S. Hrg. 100-894

SANTA RITA PUBLIC LANDS EXCHANGE ACT OF 1988

HEARING

BEFORE THE

SUBCOMMITTEE ON
PUBLIC LANDS, NATIONAL PARKS AND FORESTS

OF THE

COMMITTEE ON
ENERGY AND NATURAL RESOURCES
UNITED STATES SENATE

ONE HUNDREDTH CONGRESS

SECOND SESSION

ON

S. 2352

TO PROVIDE FOR THE TRANSFER OF CERTAIN LANDS IN THE STATE OF ARIZONA, AND FOR OTHER PURPOSES

AUGUST 4, 1988

Printed for the use of the
Committee on Energy and Natural Resources

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S311-7

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SANTA RITA PUBLIC LANDS EXCHANGE ACT OF 1988

THURSDAY, AUGUST 4, 1988

U.S. Senate,
Subcommittee on Public Lands,
National Parks and Forests,
Committee on Energy and Natural Resources,
Washington, DC.

The subcommittee met, pursuant to notice, at 2:04 p.m., in room SD-366, Dirksen Senate Office Building, Hon. Kent Conrad, presiding.

OPENING STATEMENT OF HON. KENT CONRAD, U.S. SENATOR FROM NORTH DAKOTA

Senator Conrad. This hearing before the Subcommittee on Public Lands, National Parks and Forests will come to order.

The purpose of the hearing today is to receive testimony on a measure pending before the subcommittee, S. 2352, a bill to provide for the transfer of certain lands in the State of Arizona and for other purposes.

Because of the large number of witnesses we expect to hear from today, we ask that you limit your oral testimony to three minutes.

At this time, I will place a copy of S. 2352 in the hearing record.

[The text of S. 2352 follows:]

II

100TH CONGRESS
2D SESSION

S. 2352

To provide for the transfer of certain lands in the State of Arizona, and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 29 (legislative day, APRIL 28), 1988

Mr. DECONCINI (for himself and Mr. MCCAIN) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

---

A BILL

To provide for the transfer of certain lands in the State of Arizona, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Santa Rita Public Lands Exchange Act of 1988".

SEC. 2. AUTHORIZATION FOR EXCHANGE.

The Secretary of the Interior, acting through the Bureau of Land Management shall transfer to, or exchange with, the State of Arizona all of the lands in the Santa Rita

Experiment Station lying outside of the National Forest System, comprising approximately 50,810.94 acres.

SEC. 3. ACQUISITION OF LANDS.

To the extent possible, the lands described in section 2 shall be used by the Secretary—

(1) to satisfy the remaining Federal debt to the State of Arizona for relinquishments of land for the Central Arizona Project under the provisions of the Act of June 20, 1910; and

(2) except as provided in section 1, to acquire Catalina State Park, and other State land near Lake Pleasant, within the Black Canyon Corridor, within the Buenos Aires NWR, in the Madera-Elephant Head Trail area and in the Arivaca Lake area in accordance with the exchange provisions of the Federal Land Policy and Management Act of 1976.

Notwithstanding any other provision of law, any lands exchanged by the Secretary pursuant to clause (1) shall be approximately equivalent in value.

SEC. 4. ADDITION TO THE CORONADO NATIONAL FOREST.

(a) INCLUSION IN NATIONAL FOREST SYSTEM.—Those lands in the Catalina State Park and Madera-Elephant Head Trail area that are acquired in accordance with this Act, shall be included in the National Forest System on the date of acquisition by the United States. The Catalina State

Park lands shall be managed cooperatively with the Arizona State Parks Department under the authorities of the National Forest System.

(b) LANDS EXEMPT FROM FURTHER PLANNING.—The lands described in this section shall be exempt from any further planning requirements of the 1976 National Forest Management Act until the 1986 Coronado Forest Plan is revised. At that time, future management direction for these lands will be determined as part of planning for the entire National Forest.

SEC. 5. REVOCATION OF SANTA RITA RANGE EXECUTIVE AND PUBLIC LAND ORDERS.

(a) REVOCATION.—Notwithstanding any other provision of law, in order to facilitate the transfer of certain Federal lands, Executive Order 1222 dated July 1, 1910, and Public Land Order 1363 dated November 14, 1956, which withdrew the Santa Rita Experimental Range for a Forest and Range Experiment Station, are hereby revoked in their entirety.

(b) EFFECTIVE DATE.—The effective date of the revocation made by this section shall be—

(1) the date of enactment of this Act for those lands lying within the National Forest System; and

(2) the date of transfer or patent to the State of Arizona for those lands lying outside of the National Forest System.

SEC. 6. WITHDRAWAL FOR ADMINISTRATIVE SITE.

(a) WITHDRAWAL.—The following described lands lying within the Coronado National Forest are hereby withdrawn from all forms of entry under the public land laws, including the Mining Law of 1872, but not the mineral leasing laws, for use as a Forest and Range Experiment Station administrative headquarters site:

All of sec. 19, the SW¼NW¼, and W½SW¼ of sec. 20, the N½NE¼ of sec. 30; all in T. 19 S., R. 15 E., G&SRM; containing approximately 751.04 acres.

(b) REVOCATION OF ORDER.—Notwithstanding any other provision of law, in order to facilitate the administration of the Federal lands described in subsection (a), Public Land Order 1080, dated February 28, 1955, which withdrew lands for forest administrative sites, is hereby revoked as it relates to sec. 19, T. 19 S., R. 15 E., G&SRM.

SEC. 7. REVOCATION OF KOFA NWR EXECUTIVE AND PUBLIC LAND ORDERS.

(a) REVOCATION.—Notwithstanding any other provision of law, in order to transfer the administration of certain Federal lands, Executive Order 8039, dated January 25, 1939, and Public Land Order 5637, dated April 25, 1978, which withdrew and established administrative jurisdiction for the Kofa National Wildlife Refuge, are hereby revoked on the following described lands:

> Secs. 1 through 18, N½N½ of sec. 20, N½N½ of sec. 21, and N½N½ of sec. 22, T. 2 N., R. 15 W.; secs. 1 through 12, N½ and N½S½ of sec. 13, N½ of sec. 14, N½ of sec. 15, N½ of sec. 16, N½ of sec. 17, and N½ of sec. 18, T. 2 N., R. 16 W.; secs. 1 through 12, NE¼ and E½NW¼ of sec. 13, NW¼ of sec. 15, N½ of sec. 16, N½ and N½S½ of sec. 17, N½ and N½S½ of sec. 18, T. 2 N., R. 17 W.; secs. 1 through 12, N½ and N½S½ of sec. 13, N½ and N½S½ of sec. 14, N½ and N½S½ of sec. 15, N½ and N½SE¼ of sec. 16, and N½NE¼ of sec. 17; T. 2 N., R. 18 W., all G&SRM, containing approximately 39,971.33 acres of Federal land.

(b) USE OF LANDS.—The Secretary shall only allow such uses, including recreational development, of public lands described in subsection (a) which will conserve, protect, and enhance the bighorn sheep and other wildlife and plant species contained on such lands.

(c) ADMINISTRATION OF LANDS.—The lands revoked under this section shall be under the administrative jurisdiction of the Bureau of Land Management to be administered as public lands under the provisions of the Federal Land Policy and Management Act of 1976.

SEC. 8. WILDERNESS DESIGNATION.

(a) DESIGNATION OF WILDERNESS.—The New Water Mountains Wilderness Study Area lying within the lands described in section 7 and the adjacent Bureau of Land Management New Water Mountains Wilderness Study Area No. 02–125, as shown on a map submitted to the committee, are hereby designated as the New Water Mountains Wilderness and therefore, as a component of the National Wilderness

Preservation System. Subject to valid existing rights, the New Water Mountains Wilderness shall be administered by the Secretary of the Interior in accordance with the provisions of the Wilderness Act of 1964 governing areas designated by that Act as wilderness.

(b) RELEASE FROM WILDERNESS.—That portion of the New Water Mountains Wilderness Study Area No. 02-125 not designated as wilderness by this Act—

(1)(A) has been adequately studied for wilderness designation pursuant to section 603 of the Federal Land Policy and Management Act (Public Law 94-579); and

(B) is no longer subject to the requirement of section 603(c) of the Federal Land Policy and Management Act pertaining to the management of Wilderness Study Areas in a manner that does not impair the suitability of such areas for preservation as wilderness; and

(2) except as otherwise provided in this Act, shall be administered as public lands under the provisions of the Federal Land Policy and Management Act of 1976.

SEC. 9. ADDITION OF LANDS TO THE KOFA NATIONAL WILDLIFE REFUGE.

(a) ADDITION OF LANDS.—The following described Wilderness Study Areas administered by the Bureau of Land

Management are hereby placed into the National Wildlife Refuge System as part of the Kofa National Wildlife Refuge:

(1) Kofa Unit 3 South Wilderness Study Area No. AZ 05-31;

(2) Kofa Unit 4 North Wilderness Study Area No. AZ 05-33; and

(3) Kofa Unit 4 South No. AZ 05-34,

containing approximately 16,520 acres.

(b) WITHDRAWALS.—Subject to valid existing rights, all Federal lands described in section 7, section 8(2), and section 9, and all lands within the Kofa National Wildlife Refuge are hereby withdrawn from all forms of—

(1) entry, appropriation, or disposal under the public land laws;

(2) location, entry, and patent under the United States mining laws; and

(3) disposition under all laws pertaining to mineral and geothermal leasing.

SEC. 10. ADDITION OF LANDS TO THE CABEZA PRIETA NATIONAL WILDLIFE REFUGE.

(a) NATIONAL WILDLIFE REFUGE.—The following Federal lands are hereby placed into the National Wildlife Refuge System as part of the Cabeza Prieta National Wildlife Refuge:

All lands within the unsurveyed T. 12 S., R. 17 and 18 W.; T. 13 S., R. 17 and 18 W.; and T. 14 S., R. 17 W.; all G&SRM, containing approximately 80,497 acres.

(b) MANAGEMENT.—The lands described in subsection (a) shall be managed in accordance with applicable sections of the Military Land Withdrawal Act of 1986 (Public Law 99–606) and Executive Order 8038 dated January 25, 1939 which established the Cabeza Prieta National Wildlife Refuge.

SEC. 11. REVOCATION OF RECLAMATION WITHDRAWALS.

Notwithstanding any other provision of law, in order to facilitate the transfer of certain Federal lands—

(1) Secretarial orders dated January 31, 1903, September 8, 1903, June 4, 1930, and October 16, 1931, which withdrew lands from the Colorado River Storage Project and Executive Order 8647 dated January 22, 1941, and Public Land Order 4417 dated May 20, 1968, which withdrew lands for the Havasu National Wildlife Refuge and Executive Order 8685 dated February 14, 1941, which withdrew lands for the Imperial National Wildlife Refuge are hereby revoked on the following described lands under the administration of the United States Fish and Wildlife Service:

Sec. 17. T. 5 S., R. 21 W.; portions of secs. 17, 20, 28, and 33, T. 14 N., R. 20 W.; portions of secs. 3 and 10, T. 16 N., R. 21 W.; and portions of secs 21, 27, and 34, T. 17 N., R. 21 W.; all in G&SRM. The effective date of the revocation shall be the date of patent to the State of Arizona.

(2) Secretarial orders dated July 2, 1902, and February 10, 1906, which withdrew certain lands in aid of the Salt River Project, are hereby revoked on the following described lands:

All of sec. 24, exception Lot 1, portions of Lot 2 to be surveyed, the N½NW¼E¼ and NW¼W¼, T. 2 N., R. 6 E., G&SRM. The effective date of the revocation shall be the date of the patent.

SEC. 12. ADJUSTMENT OF CORONADO NATIONAL FOREST BOUNDARY.

Proclamation 1121, dated April 17, 1911, which established the Coronado National Forest boundary as it related to Township 21 South, Range 18 East, G&SRM, is hereby modified to delete sections 27 and 28, which are not under the jurisdiction of the United States Forest Service, from inclusion within the National Forest System.

SEC. 13. AUTHORIZATION.

(a) General Authorization.—There are hereby authorized to be appropriated such sums as are necessary to carry out the provisions of this Act.

(b) Personnel.—There are hereby authorized to be appropriated such sums as are necessary to provide for at least 10 and more, if necessary, full-time equivalent employees of the Bureau of Land Management to perform resource management and law enforcement activities as a part of the administration of—

(1) the lands transferred from the Fish and Wildlife Service to the Bureau of Land Management under this Act; and

(2) the Bureau of Land Management lands in Black Canyon Corridor.

Senator **Conrad**. The record will remain open for 2 weeks to receive additional comments and testimony.

I want to welcome our colleagues, Senator DeConcini and Senator McCain, who will be our lead-off witnesses, and we will begin with the senior Senator from Arizona, the Honorable Dennis DeConcini. Welcome.

STATEMENT OF HON. DENNIS DeCONCINI, U.S. SENATOR FROM ARIZONA

Senator **DeConcini**. Chairman Conrad, thank you very much, and I want to thank the staff and also Chairman Bumpers for holding these hearings for us today. We appreciate very much the opportunity to appear before the Subcommittee on Public Lands to testify on S. 2352, the Santa Rita Public Lands Exchange Act of 1988, a bill which is vitally important to the State of Arizona.

S. 2352 is a product of many, many months of negotiation between Federal, state, local and private individuals in Arizona to better manage hundreds of thousands of state and Federal lands within the State of Arizona. Without this legislation, Mr. Chairman, some very valuable recreation and significant resource lands owned by the State of Arizona will be subject to development. You see, Mr. Chairman, under the provisions of Arizona's constitution, lands held in trust by the state must be put to the best use to yield the highest return for the public school system.

As a result, last year the State of Arizona informed the State Parks Board and the U.S. Fish and Wildlife Service that lease payments for state lands would have to escalate. Approximately 5,500 acres of state trust land leased to Arizona State Parks for recreation purposes at Catalina Park and 91,000 acres of state trust land leased to the U.S. Fish and Wildlife Service within the Buenos Aires National Wildlife Refuge will be jeopardized because of an inability to pay higher lease fees to the State of Arizona.

Over a year ago, my staff and that of Senator McCain, along with Dean Bibles, Arizona Director of the BLM, Jean Hassell, State Land Commissioner were attempting to find a way to protect both areas from development. The result of that appeal is an ingenious series of land exchanges which will be completed upon enactment of the legislation before the committee today.

The exchanges which will take place when the bill is passed include the following. Quickly, Mr. Chairman, approximately 50,000 acres of BLM lands within the Forest Service's Santa Rita Experimental Range will be transferred to the State of Arizona for research purposes only.

Secondly, approximately 91,000 acres of state trust lands within the Buenos Aires National Wildlife Refuge will be transferred to the Fish and Wildlife Service and made part of the Buenos Aires National Wildlife Refuge.

Third, approximately 60,000 acres of state lands noted for archaeological significance on Perry Mesa in the Black Canyon corridor will be transferred to the Bureau of Land Management.

And last, approximately 80,000 acres of BLM lands in the Tinajas Altas Mountains will be added to the Cabeza Prieta National Wildlife Refuge.

Also, an additional 5,000 acres of state trust in the vicinity of Arivaca Lake will be transferred to the U.S. Forest Service.

Approximately 5,500 acres of state trust lands within Catalina Park will be transferred to the U.S. Forest Service.

And approximately 16,000 acres of state trust lands near Lake Pleasant will be transferred to the Bureau of Land Management.

Also, 40,000 acres of Fish and Wildlife land within the Kofa National Wildlife Refuge will be transferred to the Bureau of Land Management.

And approximately 16,500 acres of BLM lands adjacent to the Kofa National Wildlife Refuge will be transferred to the Fish and Wildlife Service.

And approximately 320 acres of Bureau of Reclamation lands near Red Mountain will be transferred to the State of Arizona.

Mr. Chairman, I know that is a lot of acreage and a lot of land, but I wanted to run through it so that you as the presiding officer here would have some kind of understanding of what the significance of this legislation is. Almost 300,000 acres of state and Federal lands in Arizona will change hands if this bill is enacted.

The transfer of the Santa Rita Experimental Range station to the State of Arizona has been the subject of legislation recently enacted by the Arizona State Legislature. That land is very important for long-term range research. And while a provision is not included in the bill requiring the state to continue to use the Santa Rita lands for such purposes, I would ask the committee to include language in the report encouraging the state to do so. The state has indicated that it intends to do so. The legislation enacted by the State of Arizona requires research to continue on a permanent basis. That use of the land can only be changed by an act of the state legislature. And I am pleased that the state took the right step in protecting the research value of these lands.

One of the most controversial items in S. 2352 centers around section 7 which transfers 40,000 acres of Fish and Wildlife Service lands within the Kofa National Wildlife Refuge to the Bureau of Land Management. No doubt you will be hearing from a number of individuals today who will state their opposition to this provision.

Now, Mr. Chairman, in drafting the legislation, we tried to mitigate all the legislation objectives raised by those opposing any change to the Kofa. Normally, I too would be worried about an attempt to deauthorize a wildlife refuge.

What we have in the case of the Kofa, Mr. Chairman, is a jurisdictional dispute which will not affect any real change in the ground management except to eliminate a constant irritation between the Fish and Wildlife Service and the Bureau of Land Management. To insure that the Kofa lands will be managed in a manner consistent with existing practices, a provision has been included in section 8 of the bill requiring the Secretary of the Interior to manage those transferred lands to conserve, protect and enhance the bighorn sheep and other wildlife and plant species.

Because of concerns over potential efforts by the BLM to develop a visitor center at Crystal Hills, language is also included in the bill requiring the Secretary of the Interior to only allow those uses, including recreation, which will protect wildlife species.

Other provisions included in the bill to insure the proper management of those lands: approximately 20,000 acres of the Kofa lands transferred to the BLM will be added to the New Water Mountains Wilderness Study Area and designated as wilderness under this act; the Kofa and the 16,000 acres of BLM lands added to the Kofa will be permanently withdrawn from all forms of mineral entry under this act. And I would like to urge the committee to include language in the committee report prohibiting the issuance of any permits for the grazing of livestock on the transferred lands.

Mr. Chairman, the basic goal behind this legislation is to protect many important areas from potential development and to improve the management of state and Federal lands within our state. I struggled for many months about the Kofa boundary change. Senator McCain and I have worked with the different groups that you will hear from today. We finally came to the conclusion that with all of the benefits to be derived by the exchange, put together by the State Lands, the BLM, the Forest Service and the Fish and Wildlife, there was no reason we could not accomplish the Kofa modification without adversely affecting the resource.

Mr. Chairman, I have more, but I am sure that time is running short. And the Chairman has been very patient to listen to this much of it, but I wanted the Chairman to have a flavor of just the significance of this legislation.

I ask that the balance of my statement be included in the record and thank the Chairman.

Senator CONRAD. Without objection.

[The prepared statement of Senator DeConcini follows:]

NEWS

From U.S. Senator
Arizona
DENNIS DeCONCINI
Hart Senate Office Building, Washington, D.C. 20510

Contact: Jamie Ridge
202/224-7454
224-4521

FOR IMMEDIATE RELEASE:
August 4, 1988

WASHINGTON--Following is a statement by Senator Dennis DeConcini (D-Ariz.) on S. 2352, the Santa Rita Public Lands Exchange Act of 1988, before a hearing of the subcommittee on Public Lands, on August 4, 1988 at 2:00 P.M. in Room 366 of the Dirksen Senate Building.

Mr. Chairman, I appreciate very much this opportunity to appear before the Subcommittee on Public Lands to testify on S. 2352, the Santa Rita Public Lands Exchange Act of 1988, a bill which is vitally important to the State of Arizona.

S. 2352 is the product of many, many months of negotiation between Federal, state, local and private individuals in Arizona to better manage hundreds of thousands of state and Federal lands within the State of Arizona. Without this legislation, Mr. Chairman, some very valuable recreation and significant resource lands owned by the State of Arizona will be subject to development. You see, Mr. Chairman, under the provisions of Arizona's Constitution, lands held in trust by the State must be put to the best use to yield the highest return for the public school system. As a result, last year, the State of Arizona informed the State Parks Board and the U.S. Fish and Wildlife Service that lease payments for State lands would escalate. Approximately 5500 acres of State Trust Land leased to Arizona State Parks for recreation purposes at Catalina State Park and 91,000 acres of state trust lands leased to the U.S. Fish and Wildlife Service within the Buenos Aires National Wildlife Refuge will be jeopardized because of an inability to pay higher lease fees to the State.

Over a year ago, my staff and I appealed to both Dean Bibles, Arizona Director of the BLM, and Jean Hassle, State Land Commissioner, to find a way to protect both areas from development. The result of that appeal is an ingenious series of land exchanges which will be completed upon enactment of the legislation before the Committee.

-MORE-

The exchanges which will take place when the bill is passed include the following:

1. Approximately 50,000 acres of BLM lands within the Forest Service's Santa Rita Experimental Range will be transferred to the State of Arizona for research purposes;

2. Approximately 91,000 acres of state trust lands within the Buenos Aires National Wildlife Refuge will be transferred to the Fish and Wildlife Service and made part of the Buenos Aires National Wildlife Refuge;

3. Approximately 60,000 acres of state trust lands noted for archeological significance on Perry Mesa in the Black Canyon Corridor will be transferred to the Bureau of Land Management;

4. Approximately 80,000 acres of BLM lands in the Tinajas (Teen-us All-tus) Atlas Mountains will be added to the Cabeza Prieta National Wildlife Refuge;

5. Approximately 5,000 acres of state trust in the vicinity of Arivaca Lake will be transferred to the U.S. Forest Service;

6. Approximately 5,500 acres of state trust lands within Catalina State Park will be transferred to the U.S. Forest Service;

7. Approximately 16,000 acres of state trust lands near Lake Pleasant will be transferred to the Bureau of Land Management;

8. Approximately 40,000 acres of Fish and Wildlife Service lands within the Kofa National Wildlife Refuge will be transferred to the Bureau of Land Management;

9. Approximately 16,500 acres of BLM lands adjacent to the Kofa National Wildlife Refuge will be transferred to the Fish and Wildlife Service;
and,

10. Approximately 320 acres of Bureau of Reclamation lands near Red Mountain will be transferred to the State of Arizona.

In total, Mr. Chairman, almost 300,000 acres of state and Federal lands in Arizona will change hands when this bill is enacted.

The transfer of the Santa Rita Experimental Range to the State of Arizona has been the subject of legislation recently enacted by the Arizona State Legislature. That land is very important for long-term range research. While a provision is not included in the bill requiring the State to continue to use the Santa Rita lands for that purpose, I would ask the Committee to include language in the report encouraging the State to do so.

-MORE-

The legislation enacted by the State of Arizona requires research to continue on a permanent basis. I am pleased that the State took the steps to protect the research value of these lands for the long term.

One of the most controversial items in S. 2352 centers around Section 7, which transfers about 40,000 acres of Fish and Wildlife Service lands within the Kofa National Wildlife Refuge to the Bureau of Land Management. No doubt you will be hearing from a number of individuals today who will state their opposition to this provision. Mr. Chairman, in drafting the legislation, I tried to mitigate all of the legitimate objections raised by those opposing any change to Kofa. Normally, I too would be worried about an attempt to deauthorize a wildlife refuge. What we have in the case of Kofa, however, is a jurisdictional dispute which will not affect any real change in on the ground management except to eliminate a constant irritation between the Fish and Wildlife Service and the BLM. To insure that the Kofa lands will be managed in a manner consistent with existing practice, a provision has been included in Section 8 of the bill requiring the Secretary of the Interior to manage those transferred lands to conserve, protect and enhance the bighorn sheep and other wildlife and plant species. Because of concern over potential efforts by the BLM to develop a visitor center at Crystal Hills, language is also included in the bill requiring the Secretary of the Interior to only allow those uses, including recreation, which will protect wildlife species. Other provisions included in the bill to insure the proper management of these lands include:

*Approximately 20,000 acres of the Kofa lands transferred to the BLM will be added to the New Water Mountains Wilderness Study Area and designated as wilderness under this Act;

*The Kofa and the 16,000 acres of BLM lands added to the Kofa will be permanently withdrawn from all forms of mineral entry under this Act;

*And, I would urge the Committee to include language in the Committee report prohibiting the issuance of any permits for the grazing of livestock on the transferred lands.

Mr. Chairman, the basic goal behind this legislation is to protect many important areas from potential development and to improve the management of state and Federal lands within the State of Arizona. I struggled for many months about the Kofa boundary change. I finally came to the conclusion that with all of the benefits to be derived by the exchanges put together by State Lands, the BLM, the Forest Service and the Fish and Wildlife Service, there was no reason we could not accomplish the Kofa modification without adversely affecting the resource. I think we accomplished that in this bill.

-MORE-

Senator DeConcini
August 4, 1988
Add 3

We need to bear in mind that the major objective here is to protect Catalina State Park, one of Arizona's Crown Jewels, and the lands within the Buenos Aires National Wildlife Refuge. The exchanges in this bill are the only way to assure that protection. That goal should be the main focus. There is a very strong likelihood that without this legislation, Catalina State Park could turn into a perfect site for condominiums and other development. The same is true for the Buenos Aires lands. I do not want to see this happen and I am sure no else here today does either.

Mr. Chairman, at this point, I would ask that statements submitted by the Green Valley Coordinating Council, the University of Arizona, and a letter from the BLM to Salt River Project, be made part of the hearing record. I would also like to take this opportunity to recommend to the Committee some technical changes to the bill which I will submit for the record. In closing, I want to acknowledge that the legislative days in this session are very limited. However, because this legislation has very important and far-reaching effects on the management of public lands in Arizona, I would urge the Committee to do everything it can to favorably report this bill so we can see enactment this year.

I thank the Chairman for scheduling this hearing today.

-30-

Senator CONRAD. We thank Senator DeConcini for taking the time to be with us here today as the lead-off witness.

Before we proceed, we invite Congressman Kolbe to join the rest of the delegation at the table. And we will go next to Senator McCain and welcome your testimony.

STATEMENT OF HON. JOHN McCAIN, U.S. SENATOR FROM ARIZONA

Senator McCAIN. Thank you very much, Mr. Chairman. I would like to thank you personally for hearing this issue which probably is not too important in North Dakota but is certainly important to those of us in Arizona.

Mr. Chairman, there is very little I can add. I would request that my complete statement be made a part of the record.

Senator CONRAD. Without objection.

Senator McCAIN. There is very little I can add I think to the very eloquent statement of my friend, Senator DeConcini, on this issue.

I would just like to make two very quick points. One is that great credit goes to the gentleman behind me, Mr. Dean Bibles, who has shaped this very delicate and encompassing compromise. As Dennis mentioned, over 300,000 acres here will change hands.

And I also think it is important to point out that this of enormous recreational value to the southern part of our state, and it is crucial that we get this legislation passed.

I also would like to say that on the issue of the Kofa, which you will hear a great deal about, Senator DeConcini and I personally flew over the area to look at it to see what we thought the impact might be. And frankly, we don't like this provision of the bill, but we feel that it is clear that without this provision in the bill, the entire legislation is not possible. So, we accept it reluctantly. We hope that the committee will accept it reluctantly, and we fully understand the reservations and objections that following witnesses will have. And frankly, over a long period we have made every effort to work with them.

Mr. Chairman, I thank you for your consideration of this legislation that is very important to Arizona. Thank you.

[The prepared statement of Senator McCain follows:]

STATEMENT OF THE HONORABLE JOHN MCCAIN
BEFORE THE ENERGY AND NATURAL RESOURCES SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS
REGARDING S. 2352, "THE SANTA RITA PUBLIC LANDS EXCHANGE ACT OF 1988"
AUGUST 4, 1988

Mr. Chairman:

I am here today as a cosponsor and enthusiastic supporter of what has come to be known as the Santa Rita Exchange bill, authored by my good friend and colleague from Arizona, Senator DeConcini. I support this legislation in its totality.

Let me briefly comment on the major provisions contained within this measure:

--Catalina State Park, a very popular site of outdoor recreation north of Tucson, is transferred into federal ownership. This is important due to its current status as State Trust Land which renders its future use as a park somewhat uncertain.

--The Santa Rita Experimental Range, south of Tucson is transferred into the care of the University of Arizona for further scientific uses. It is also protected from development which is encroaching on this area day by day.

--Lands within the recently authorized Buenos Aires Wildlife Refuge are placed in federal ownership, thereby relieving the U.S. Fish & Wildlife Service of millions of dollars in rent payments it would otherwise owe to the State of Arizona. This is money they could use for better purposes, either on the Refuge or elsewhere.

--Lands around Lake Pleasant, a popular recreational area northwest of Phoenix are exchanged with the Bureau of Land Management which will enable the Bureau to better manage their lands as well as allowing state and local officials to further enhance recreational opportunities at Lake Pleasant.

--The remaining federal debt owed the State of Arizona for relinquishments of land for the Central Arizona Project is satisfied.

--Lands north of Phoenix in the Black Canyon Corridor, rich in archaeological value are transferred to the BLM which has a better capacity to manage them consistent with their real values than does the state which currently possesses them.

--A major land use question concerning the Kofa National Wildlife Refuge is resolved and the interests of all concerned accommodated by placing lands transferred out of the Refuge in wilderness status and directing they be managed consistent with the conservation, protection, and enhancement of the Desert Bighorn Sheep. At the same time, a natural corridor for east-west utility easement is made available to those who need it for future economic growth.

--The Tinajas Altas Mountains are added to the Cabeza Prieta National Wildlife Refuge further enhancing the values for which this Refuge was created.

Mr. Chairman, it is my view that, when seen as a whole, the State of Arizona and this nation are better off with this legislation enacted than without. I believe that the package must be viewed in this context. I myself have concerns about the effect of the transfer of the Tinajas Altas Mountains into the Cabeza Prieta National Wildlife Refuge. Our military is under increasing pressure as it seeks to maintain the qualitative edge we currently hold over our adversaries. Training is a vital component in maintaining that edge and the Tinajas Altas is an important training area for Marine aviation. If the Marine Corps had its preference, this exchange would not take place. Yet I am confident we can incorporate the necessary safeguards in this legislation to allow this training to continue and still further the values for which Cabeza Prieta was created.

Many individuals representing different interests have expressed reservations about various components of this package while indicating support for most of its goals. Many compromises have been made to get this package in its present form. I would ask those interested in this bill to ask themselves if the gains to be made from its passage outweigh the risks associated with its delay until next year, at the earliest. I believe such an assessment will lead to the conclusion I have reached, that the Santa Rita Exchange deserves our complete support and prompt passage.

Senator CONRAD. I thank both the Senators from Arizona for taking the time to be here.

If I might just ask a quick question before you depart. It would be to give us a little flavor of how long a process this has been to attempt to arrive at this agreement. That will become more important as we move through the process. But maybe if the two of you might just give us a little background in terms of how long this negotiation has gone on and who the parties have been to this negotiation, I think that might be helpful for the record.

Senator DECONCINI. Well, Mr. Chairman, it is difficult to answer your question precisely, but it is well over a year that this effort has been put together. But some of these pieces, as Congressman Kolbe will probably point out in his statement, have been three and four years in the making.

One of the moving parts that brought much of this together was when the Central Arizona Project, which is a large water project moving water from the Colorado all the way to the southern part of the state, went through a great deal of state land and rights-of-way were necessary to be transferred for the construction of that aqueduct, which is now constructed. As part of that, there were transfers necessary.

And when Mr. Bibles got out there, as Senator McCain said, he started to move in the area of balancing these rights-of-way that had been taken from the state. At the same time, he has had a long reputation and commitment to putting together pieces of land in other states in the BLM and outside the BLM in an attempt to bring together suitable pieces of land for state parks, for the Federal Forest Service and wildlife refuge.

So, it is a long period of time. The actual legislation, when we got started to construct this, is about a year and a half to my recollection.

Senator CONRAD. Senator McCain, is there anything that you want to add?

Senator MCCAIN. Only to add that it has been about four years since the inception, that this idea was germinated. I would think that it has probably been a year and a half to two years that there has been active work on this.

Senator CONRAD. Thank you very much for that and, again, for both of you being here.

Next we will turn to Congressman Kolbe for your testimony. Welcome.

STATEMENT OF HON. JIM KOLBE, U.S. REPRESENTATIVE FROM ARIZONA

Mr. KOLBE. Thank you, Mr. Chairman. I would also ask unanimous consent to have my full statement inserted in the record.

Senator DECONCINI. Without objection.

Mr. KOLBE. And I would just very briefly add to the comments of my colleagues who have explained this very well.

I am one of the sponsors in the House of the identical, the companion bill. In the House it is H.R. 4616, companion to S. 2352. It differs only from the other bill introduced by Congressman Udall in the provision dealing with the Kofa energy corridor and that piece of the refuge next to the Kofa corridor. I say only that, and I understand that is a significant difference. But otherwise these bills and our agreement on the rest of the bill is substantial.

The bill does provide very important protection for a lot of important lands in Arizona, including Catalina State Park, the Santa Rita Experimental Range, Buenos Aires Ranch, all of which are in my district. So, we have a lot of interest in this.

The one controversial provision is that dealing with the Kofa refuge up to a point south of the energy corridor. And as has been explained by both of my colleagues in the Senate, this is a critical issue. Those who argue that taking critical lands out of the refuge sets a bad precedent I think are looking at the proposal upside down. It is not and never has been the mission of the Fish and Wildlife Service to manage energy corridors. I think that it is possible to have this power line. We already have one power line there. There is subsurface oil, gas and fiber optic lines. Management of the corridor is mandatory, but only the BLM has the mission to both of these and that is manage energy corridors and wildlife.

I think much of what we are seeing is a visceral distrust of the Bureau of Land Management. That is an historical thing which I understand. But I believe we have demonstrated—the BLM in Arizona certainly has demonstrated—that they have been good managers, good stewards of the land, and I believe they can manage this refuge or this land in the same manner that it has been managed as a refuge.

Let me just, if I might, Mr. Chairman, address myself to the specifics of the question as to when this all began. I was in the Arizona State legislature more than six years ago when we acquired Catalina State Park. The acquisition of that park was a very important piece of land for the state. However, since acquiring that as a state park, there has been a tremendous amount of development around that. The Arizona constitution requires that the State Parks Department pay a rental fee to the trust, since it is held in trust for the education trust, pay a rental fee equal to what its true value is. That payment is becoming prohibitive, and that is why this has become now a necessary part of this legislation. So, in a sense, that began at least six years ago.

The Buenos Aires land exchange came about four years ago in the 98th Congress. Now, since we have acquired much of that land of Fish and Wildlife, we have found that there are pieces of that that make sense to have taken out of state and turned over to the Fish and Wildlife to make it management of a whole. A similar kind of a problem exists there of a rental arrangement that is being charged, in this case, to the Federal Government, to Fish and Wildlife, that is becoming prohibitive for their budget. And so, all of these exchanges will obviate those kinds of accounting transfers, if you will, on the budget of each of these different agencies.

So, this has been something that pieces of it have been in the works for a long time. But as Senator DeConcini said, the whole of it began to come together a bit more than a year ago.

It is a very significant piece of land legislation for the State of Arizona, and I certainly hope this committee will act favorably upon it. Thank you.

[The prepared statement of Mr. Kolbe follows:]

JIM KOLBE
5TH DISTRICT, ARIZONA

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APPROPRIATIONS

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STATEMENT OF CONGRESSMAN JIM KOLBE REGARDING THE SANTA RITA EXCHANGE

AUGUST 4, 1988

Mr. Chairman, thank you for the opportunity to appear here to discuss some of the issues involved in the Santa Rita Exchange. I represent the southeastern corner of Arizona, which includes Catalina State Park and the Santa Rita Experimental Range, as well as a portion of the Buenos Aires National Wildlife Refuge.

Since I represent much of the area involved in this land exchange, I have sponsored HR 4616, the companion bill to S 2352, in the House. Unlike Mr. Udall's version of this legislation, HR 4565, my bill does include the controversial Kofa Wildlife Refuge energy corridor provision. I have included that section because, like Sens. DeConcini and McCain, I believe it makes sense, and it makes the entire bill much more balanced and responsible.

I will limit my statement today to the matters most salient to my district. As has been discussed, this bill will provide important protection for open space in Arizona. By transferring the Catalina State Park, which is threatened by development pressure and urban encroachment, to the Coronado National Forest, we are enhancing the viability of this area as a refuge from the pressures of city life. Under this scenario, the State will continue to manage this area through a cooperative arrangement, so visitors to the park will notice no change in the quality of the supervision currently provided.

In addition, this bill transfers the 51,000 acre Santa Rita Experimental Range south of Tucson to the Arizona State Land Department. Initially, this was the most contentious provision of the bill, until a compromise was achieved that met everyone's concerns. The transfer of this land would be accompanied by state legislation declaring that the mission of this range should be maintained in perpetuity. I firmly believe the educational mission of this range is of paramount importance. In addition, were this land to be developed, its proximity to the critical astronomical observations on Mount Hopkins could further degrade the education and research activities conducted by scientists from all over the world. That's why the Arizona delegation stands united in the position that the mission of the range should be protected from development pressure.

The proposal to move the northern boundary of the Kofa Refuge to a point south of the energy corridor is, in my view, critical to this bill. Those who argue that taking critical lands out of Refuge sets a bad precedent are looking at the proposal upside down. It is not, and it has never been the mission of the Fish and Wildlife Service to manage energy corridors. It amazes me to hear some say that another power line will seriously threaten the bighorn sheep calving grounds. Will it threaten them anymore than the current power line? Or the eight subsurface oil, gas and fiber-optic lines? Management of this corridor is mandatory, and only the BLM has the mission to do both -- manage energy corridors and wildlife.

What we're seeing in the opposition to this proposal is a visceral distrust of the BLM. It's the same kind of opposition we dealt with when the BLM began working to acquire the important San Pedro properties, also in my district. Legislation to establish the San Pedro National Conservation Area is also before this committee, and I would ask the committee to act on that important proposal as well. In our state, the BLM has proven itself as worthy and skilled managers of the public trust. In this instance, transfer of the corridor to the BLM makes sense.

I thank the Chairman and the committee for your time today, and I urge swift action on this bill in the very few legislative days remaining. Thank you.

Senator Conrad. We appreciate, Congressman Kolbe, your taking the time to be with us as well.

Might I just, before you leave, ask you to comment again on the controversy surrounding Kofa because that clearly is going to be the focus of what we hear later on today and is clearly the focus of the controversy.

You indicated, Congressman Kolbe, that there has been a tradition perhaps of mistrust of BLM management and that may be part of the focus of the concern. Perhaps you can put into the record what leads you to conclude that they have been adequate or, I think in your terms, even a good steward of the land that eases your concern with respect to that question.

Mr. Kolbe. Mr. Chairman, since you directed the question to me, I will answer it first, if I might there, and maybe my colleagues would have something they would add to it.

Certainly part of the answer is an individual you will hear from later today and who is sitting here, the Arizona State Director of the Bureau of Land Management, Mr. Dean Bibles, who has demonstrated his commitment to protection of this land and to environmental standards that I think are very, very high.

I have worked with the Bureau of Land Management on a number of other exchanges and have found always that the Bureau of Land Management is interested in acquiring land. And I could discuss some of those with you, such as most recently the Empire-Cienega Ranch in Arizona, through an exchange of lands within BLM that has brought into the public land holdings a very important piece of land. This was done not because the Bureau of Land Management wants another piece of land to manage as a multiple purpose land for grazing, but because of its environmental qualities and maintaining the environmental integrity of that land.

And time after time we have seen the BLM move when they have been able to move and nobody else has been able to move as swiftly or with the degree of flexibility that they have had to acquire these lands and to save them and to preserve them.

Much of the credit I think goes to Congress for having changed the direction of the Bureau of Land Management from one basically of being a manager of land that was used for grazing to truly being multiple purpose and for environmental purposes, as well as its traditional grazing kinds of lands that it has managed in the past.

Senator DeConcini. Mr. Chairman?

Senator Conrad. Senator DeConcini?

Senator DeConcini. As I pointed out in my statement, section 7 deals with this particular part of it, and then followed by that is section 8. And what the drafters of the bill in the House and here in the Senate tried to do is to ensure that the Kofa land will be managed in a manner consistent with existing practices because of the transfer. And a provision has been included in the bill which requires the Secretary of the Interior to manage those transferred lands to conserve, protect and enhance the bighorn sheep and other wildlife, plants and species, exactly the same standard as I am advised that is presently the standard for the management of the wildlife refuge land that this would come out of. That to me is the closest we can come to keeping it in the wildlife refuge.

I believe that BLM has responded quite responsibly when they have been given the assets and the authority for the jurisdiction for such management. And I believe it will work here.

Senator CONRAD. Maybe I could follow up with a final question, and that is—and any of you are welcome to respond—why is the Kofa part of the package critical to the overall construct of what has been agreed to in terms of what has been presented to the committee.

Mr. KOLBE. Mr. Chairman, there are many pieces of land that are involved in this. There are I think a total of 13 separate pieces of land. I think they all go together as a whole, and they have to be considered as a whole.

The reason that this is a major issue as far as the Department of the Interior is concerned has to do with the management of this utility corridor, which is an already existing corridor. All of it from the Palo Verde Power Plant to southern California is managed by the Bureau of Land Management with the exception of this one piece that transits the Kofa refuge.

Senator CONRAD. And that is the corridor itself.

Mr. KOLBE. That is the corridor, that part of the corridor. The rest of it where it transits all Federal land is all managed by the Bureau of Land Management. So, you have a utility corridor from Phoenix to southern California managed by one agency with the exception of this one piece.

Because of the purposes of the Kofa refuge, the Fish and Wildlife has a different mission with regard to the management of that corridor. So, you can have one agency say, yes, this proposed utility transmission line or underground optical fiber line makes sense here, but then have Fish and Wildlife say with regard to it it doesn't make sense. So, you have two agencies at cross purposes here. And because of what the law says Fish and Wildlife must look at, they must come to that different conclusion.

We believe that it makes sense to put it all under the single management, and we believe that you can still manage all of the land for the protection of the bighorn sheep.

Senator CONRAD. Let me indicate that we have seven and a half minutes remaining on a vote. I do have an additional question I would like to ask, but I think we will just hold on that. Perhaps we will extend it to each of your offices in writing and give you a chance to respond in that way so that we flush out the record. We will take a 15 minute recess.

[Recess.]

Senator CONRAD. This hearing before the subcommittee will return to order.

I, just by way of explanation, might indicate that the Chairman found himself in a position of having to offer an amendment to guard an interest in my state. It was something that came up very quickly and it simply had to be done. So, I apologize. That is the reason I wasn't back within 15 minutes.

Next we will go to Mr. Roland Robison, the Deputy Director of the Bureau of Land Management, the Department of the Interior.

Mr. ROBISON. Mr. Chairman, if I might——

Senator CONRAD. Roland, if you would just hold for a minute. I notice that Senator DeConcini is still here, and I had a further follow-up question on Kofa. If the Senator would not mind, perhaps we could dispense with that and we might avoid having to go through requesting a written answer.

If the Kofa portion of this agreement were withdrawn, in your judgment would the rest of this agreement collapse? That really is a central question that needs to be asked.

Senator DECONCINI. Mr. Chairman, it is a good question and one that has been asked, believe me, from the proponents and opponents and from the administration and Mr. Bibles. I can only give you an opinion. I think that question really needs to be directed to those in the administration who have put this exchange together. I think you will find that the answer is yes, and they can explain better than I can why it is necessary. It has a lot to do with the value of the lands, a lot to do with what Congressman Kolbe talked about, the management of this and another corridor that is already allocated there that isn't in place yet, a number of those things.

But that is the only reason that Senator McCain and I did what we did because we would have preferred to have gone the way the House did and did it. But we were, quite frankly, told that it would collapse and they would not support it. And we think there is enough in there that everybody is going to win enough here even though they don't win 100 percent.

Senator CONRAD. I just wanted to make sure that we had an opportunity to get that question answered and to get clearly on the record why you and Senator McCain have taken the positions that you have so that we make sure that that is part of the record. I thank you very much for your patience.

Senator DECONCINI. Mr. Chairman, I thank you for the detailed and comprehensive time you have given to this. I know it can't be of great, burning interest in North Dakota, but it is here, and we are most grateful truly, the opponents and proponents here, that you would take the time to do these hearings and also take the time to understand the issue because I know you have a lot of other things to do.

I am going to stay here for a while myself.

Senator CONRAD. I recall on a number of occasions when the senior Senator from Arizona has paid attention to problems in my state that I know were not burning issues with him, and I have appreciated very greatly his attention to those matters. We are glad to return the favor.

Senator DECONCINI. Thank you, Mr. Chairman.

Senator CONRAD. Next we will hear from Roland Robison, Deputy Director, Bureau of Land Management, who will be accompanied by Dean Bibles, the State Director, the Bureau of Land Management—I hope I have pronounced that correctly—and Michael Spear, the Regional Director of the Fish and Wildlife Service. Welcome, gentlemen. We appreciate not only your being here, but we very much appreciate your patience.

STATEMENT OF ROLAND G. ROBISON, DEPUTY DIRECTOR, BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR, ACCOMPANIED BY, DEAN BIBLES, STATE DIRECTOR, BUREAU OF LAND MANAGEMENT, AND MICHAEL SPEAR, REGIONAL DIRECTOR, FISH AND WILDLIFE SERVICE

Mr. Robison. Thank you, Mr. Chairman. I have a rather detailed statement which we have submitted to you which we would appreciate having placed in the record. Given the time constraints that exist, I will make but a few short remarks in summary. I would add that Mr. Bibles and Mr. Spear are the ones who, working in Arizona on the ground for the respective agencies, have put this proposal together for the most part.

The proposal for a comprehensive land exchange in Arizona, which is embodied in this bill, is the culmination of considerable work by a lot of people. It affects a number of agencies. It affects not only the Bureau of Land Management and the Fish and Wildlife Service, but the State of Arizona and the Forest Service and also some parts of the military establishment.

Our view is that it is a package that is salutary. It is for the good of all the agencies involved. It advances the cause of sound and good and proper land management practices. It results in savings to the agencies involved, and it is helpful I think to the State of Arizona and its school system.

I will not go through the various features of the bill because they have been referred to and explained in some detail by members of the Arizona congressional delegation. Just let me say that this bill has the strong support of the Secretary of the Interior. He asked me, as a matter of fact, just before this meeting if I would convey to you that it does have his strong support.

I should also note for you, however, that this bill does not at this time have the endorsement of the Administration. By that I mean the Office of Management and Budget has not at this point given its stamp of approval to it, but they have authorized us to represent to you that: one, we may present to you the position of the Department of the Interior which is one of endorsement; and two, that there will be forthcoming within a very short period of time a statement covering the bill from the Office of Management and Budget. Their principal concerns, as I understand them, are that they have not yet had an opportunity to touch all the bases within other Departments and agencies that may be affected, at least to their satisfaction.

We have suggested for you some perfecting amendments and have made those available to you. But the long and short of it is that we, those of us in the Department of the Interior, do support this particular bill and would urge its passage.

[The prepared statement of Mr. Robison follows:]

AUG 4 1988

STATEMENT OF ROLAND G. ROBISON, DEPUTY DIRECTOR, BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR, BEFORE THE SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS, COMMITTEE ON ENERGY AND NATURAL RESOURCES, UNITED STATES SENATE, ON S. 2352, A BILL "TO PROVIDE FOR THE TRANSFER OF CERTAIN LANDS IN THE STATE OF ARIZONA, AND FOR OTHER PURPOSES."

I appreciate the opportunity to appear here today to discuss the position of the Department of the Interior on S. 2352, which would be cited as the "Santa Rita Public Land Exchange Act of 1988".

The Department of the Interior favors enactment of S. 2352. This bill results from the involvement and efforts of Members of Congress, affected Federal agencies and State organizations.

Because of the complexity of the bill and the number of Federal agencies involved, the Office of Management and Budget has not had sufficient time to complete the Administration's interagency review. To date they have not presented to us major substantive concerns. They have informed us that we will have an administration position by the end of next week.

Section 2 would direct the Secretary of the Interior, acting through the Bureau of Land Management, to transfer or exchange with the State of Arizona, all lands in the Santa Rita Experiment Station lying outside the National Forest System. Approximately 50,810.94 acres would be involved.

Section 3 would direct that, to the extent possible, section 2 lands be used (1) to satisfy the Federal debt to the State for 12,000 acres of State land taken for construction of the Central Arizona Project (CAP), and (2) to acquire certain State lands under the exchange provisions of the Federal Land Policy and Management Act. The section further provides that, notwithstanding any other provision of law, any lands exchanged pursuant to clause (1) would be required to be approximately equivalent in value.

Under section 4, lands acquired by exchange in the Catalina State Park and Madera-Elephant Head Trail would be included in the National Forest System. The Catalina State Park lands would be required to be managed cooperatively with the Arizona State Park Department under National Forest System authorities.

Section 5 would revoke Executive Order 1222 and Public Land Order 1363, which withdrew the Experimental Range, to be effective on the date of enactment for lands lying within the National Forest System and on the date of transfer or patent to the State of Arizona for lands outside the National Forest System.

Approximately 751.04 acres within the Coronado National Forest would be withdrawn from all forms of entry, including the Mining Law of 1872 but not the mineral leasing laws, by section 6. These lands would be designated for use as a Forest and Range Experiment Station administrative headquarters site. Under section 6(b), Public Land Order 1080 would be revoked as it relates to this forest administration site.

Executive Order 8039 and Public land Order 5637 would be revoked by section 7 of S. 2352. These orders withdrew approximately 39,971.33 acres in the Kofa National Wildlife Refuge. Under section 7(b), the Secretary could allow only such use of the subject lands as would conserve, protect and enhance the bighorn sheep and other wildlife and plant species on the lands. Section 7(c) provides that administration of the lands revoked by this section would be under Bureau of Land Management jurisdiction.

Section 8(a) would designate the New Water Mountains Wilderness Area which, subject to valid existing rights, would be administered in accordance with provisions of the Wilderness Act of 1964. Under section 8(b), portions of the New Water Mountains Wilderness Study Area No. 02-125, not designated by section 8(a) as wilderness, would be determined to have been adequately studied under section 603 of FLPMA, and would no longer be subject to its provisions. These lands would be administered as public land under the provisions of the Federal Land Policy and Management Act.

Approximately 16,520 acres of Bureau of Land Management administered lands would be added to the Kofa National Wildlife Refuge by section 9. Subject to valid existing rights, these lands would be withdrawn from operation of the public land laws, the mining laws, and the mineral and geothermal leasing laws.

Section 10 would add 80,497 acres of Federal land to the Cabeza Prieta National Wildlife Refuge, to be managed in accordance with applicable provisions of the Military Land Withdrawal Act of 1986 and E.O. 8038.

Certain portions of reclamation withdrawals establishing the Colorado River storage project, and the Havasu and Imperial National Wildlife Refuge would be revoked by section 11(1). Further, section 11(2) would revoke Secretarial Orders withdrawing certain lands in aid of the Salt River Project.

Section 12 would modify the Coronado National Forest boundary, to delete two sections of land, which are not under Forest Service jurisdiction, from inclusion on the National Forest System.

Section 13 would authorize such appropriations and increased Bureau of Land Management staffing as are necessary to carry out the provisions of S. 2352.

As I stated earlier, the Department favors enactment of S. 2352. We believe that the bill will enable Federal and State agencies to better accomplish their goals and provide future public benefits in areas of research, recreation, economic growth and development, wildlife, cultural, and water and land related programs.

A map, attached to this statement, displays the location of the tracts involved in S. 2352.

Specific examples of how we believe that this bill benefits Federal and State programs include:

- Acquisition of State Trust Lands by Federal agencies will insure the continued operation of Catalina State Park and Buenos Aires National Wildlife Refuge. This is because under the State Constitution, State trust lands are required to be put to the highest and best use to maximize revenues to benefit the school systems. As a consequence, State Park payments to the trust for continued management of Catalina State Park have risen dramatically to reflect fair market value. These payments are now prohibitive and may imperil the continued use of the lands as a park. Federal acquisition will rectify this and preserve the park character.

- The Fish and Wildlife Service's payments for 80,000 acres of State trust lands within the Buenos Aires National Wildlife Refuge may increase to $400,000 per year, an amount the Service cannot afford to pay on a yearly basis. As a result, the continuation of the Refuge may be threatened. Transfer to the Fish and the Wildlife Service will insure the continued operation of this National Wildlife Refuge for the public benefit.

The beneficial effects of S. 2352 are reflected in these provisions of the bill:

- Transfer of 51,000-acre Santa Rita Experimental Range south of Tucson to the Arizona State Land Department. This will continue to be managed by the University of Arizona for ecological and range research. This transfer is repayment to the State of Arizona of the remaining debt for 12,000 acres of State trust land taken south of Tangerine Road for the Central Arizona Project

(CAP) canal and for the New Waddell Dam by the Bureau of Reclamation, as well as for acquiring State trust lands within the Buenos Aires National Wildlife Refuge and the Catalina State Park. These lands will be transferred to the U.S. Fish and Wildlife Service and the Forest Service, respectively. The Catalina State Park, however, will continue to be managed as a State park under a cooperative agreement.

° Transfer of 60,000 acres of State trust land on Perry Mesa to BLM to manage the outstanding remains of Pueblos dating from 1200-1400 A.D. and other multiple use values. Under State Trust administration, these resources would not receive the protection they will receive under Federal administration.

° Transfer of 16,000 acres of State land north of Lake Pleasant to BLM for multiple resource management and expanding the regional park surrounding Lake Pleasant. This would consolidate ownerships which are now intermingled and would make the area easier to manage.

° Resolution of a management problem for the U.S. Fish and Wildlife Service by moving the boundary of the Kofa Wildlife Refuge south of the energy corridor. The lands north of this boundary, 47,845 acres, will be managed by BLM for their wilderness, wildlife and energy corridor values. The existence of the energy corridor creates a conflict with the mission of the U.S. Fish and Wildlife Service making the area difficult for it to manage.

° Addition of 16,500 acres of BLM land adjoining the Kofa Wildlife Refuge to the refuge for administration by the U.S. Fish and Wildlife Service. These lands are a logical extension of the Kofa Range.

° Adjustment of the boundary of the Cabeza Prieta Wildlife Refuge to include the Tinejas Atlas Mountains within the refuge and enlarge the refuge by 80,497 acres. The refuge will be operated under an agreement between the military and the U.S. Fish and Wildlife Service. This is a logical addition to the Refuge and would allow for improved management of the wildlife resources. The area is in the Barry M. Goldwater Air Force Range for which the Bureau of Land Management now has surface management responsibilities.

° Transfer to the State of approximately 320 acres of Bureau of Reclamation withdrawn land in the Red Mountain area lying near the confluence of the Salt and Verde Rivers east of Phoenix. This will provide an opportunity for solving the Pima Outer Loop issue.

° Withdrawal of lands within the Coronado National Forest for use as an administrative site for the Rocky Mountain Forest and Range Experimental Station, and the University of Arizona. This will assure continuation of the site for use as an administrative site.

° Addition of the 520 acre Madera-Elephant Head trailhead and the 1,350- acre Arivaca Lake properties to the Coronado National Forest in southern Arizona. This will assure access into the National Forest.

- Adjustment of the boundary of the Coronado National Forest adjoining the Appleton-Whittell Research Ranch to complete a 1962 Forest Service land action.

- Designation of the New Water Mountains Wilderness as a component of the National Wilderness Preservation System. This is currently a Fish and Wildlife Service and Bureau of Land Management wilderness study area. As a designated wilderness, valuable resources will be protected.

- In addition to these beneficial actions, the State will receive 2,457 acres of land which lie along the Colorado River within the Havasu and Imperial National Wildlife Refuges. This is an exchange worked out by the U.S. Fish and Wildlife Service which is tied up by the National Wildlife Federation v. Burford lawsuit.

Except for the lands transferred to the State to satisfy the remaining Federal debt for State lands relinquished for the Central Arizona Project, all acquisitions will be made in accordance with the exchange provisions of the Federal Land Policy and Management Act. This provision has been recognized by the State in section 1(D) of State Senate Bill 1249, which was signed into law by Governor Mofford on May 12, 1988.

There are several technical amendments that are recommended by the Bureau which I will supply to the Committee.

I would point out that the Bureau of Land Management and the Bureau of Reclamation have agreed that certain stipulations will be included in every patent issued on lands covered by Section 11(2) of S. 2352 in order to protect the Salt River Project facilities on the Red Mountain Project.

This completes my prepared statement. I will be pleased to respond to any questions you may have.

Senator CONRAD. If I might interrupt because it is perhaps appropriate to make a statement at this point on behalf of the subcommittee and the full committee as well that we find it very hard to understand why the administration, specifically OMB, has no official position as of the date of this hearing.

This has been a bill that has been in genesis, as I understand and heard testimony from the two Senators, for nearly a year and a half. The bill was introduced on April 29 I believe, and the hearing was announced on July 14. And on that day staff called each agency to notify them of the hearing. On the following day official administration views were requested from the Department of Agriculture, the Department of the Interior, and the Office of Management and Budget. It would seem that the administration has had sufficient time to develop a position.

Senator DeConcini has asked that we act on this bill expeditiously, and the position of the subcommittee is if the administration wants input into a committee consideration, that it is strongly suggested that it submit an official position on this measure in the very near future. I want to make that clear for the record so that we have the views of the subcommittee represented.

Mr. ROBISON. Senator Conrad, I can certainly understand the subcommittee's concern. As I indicated previously, the information I get from the Office of Management and Budget is that there should be forthcoming by as early as next week the requisite position statement.

Senator CONRAD. We would welcome that and hope that that occurs.

Mr. ROBISON. Thank you.

Now, we are prepared to respond to any questions that the Chairman may have.

Senator CONRAD. One of the things that we are interested in getting a response to is would your agency support this bill if the proposed boundary change for the Kofa National Wildlife Refuge was deleted from the legislation?

Mr. ROBISON. The position of the Department of the Interior is that this is a package made up of many pieces. It constitutes some compromise in being brought about, but we think one of the important and essential pieces is that which relates to the Kofa game range and without it we would be disposed not to support this particular piece of legislation.

Now, my friends with me on either side are much more expert than I with respect to the details relating to the Kofa. If you would like further elaboration, I am sure they can provide it for you.

Senator CONRAD. It appears that we have another vote. We are checking that so before we rush off—it is six bells, so we are in a recess. Good. Then we can proceed.

Senator DeConcini, if you would like to——

Senator DECONCINI. I have no questions. Thank you for letting me join you, Mr. Chairman.

Senator CONRAD. I am glad to do that.

Has the recently proposed 500 KV power line been judged by Fish and Wildlife Service to be compatible with the Kofa Wildlife Refuge?

Mr. **Robison**. I think the one who can best respond to that is Mike Spear.

Mr. **Spear**. Mr. Chairman, we have not made an official determination as to whether or not the 500 KV power line is compatible because the issue has never been brought to our attention and a compatibility statement asked for as such.

Senator **Conrad**. I am advised that—you are Mr. Spear?

Mr. **Spear**. Yes.

Senator **Conrad**. That you sent a letter to Southern California Edison on May 27 of 1987 stating that: "We have not altered our objections and again must state that the proposed routing is incompatible with the purpose for which Kofa National Wildlife Refuge was established." Is that a fair summation of the remarks you made in a letter to them?

Mr. **Spear**. That is correct in what I said. At the time I wrote that letter, that was a statement of our feeling.

Since that time in late May 1987, we received at the Kofa Refuge the completed report on studies by Mr. Linwood Smith that had been going on for seven years, explaining what he found out as a result of the first power line going through. If I could give you a quick, basically one-sentence summary of his report, it was that after seven years of work and some 10,000 relocations of radio-collared bighorn sheep, there was in essence no impact of the power line on those bighorn sheep movements. There was noted some minor impact during the two month course of the construction period of the power line. But, in essence, the long-term impact of that power line was no impact.

As a result of learning of that information, it was late summer-early fall that I went to Dean Bibles and said that my position is going to change on this question of compatibility, and I proposed at this time that we execute this exchange that you now see before you, and brought in the issues of the Kofa, the long-term problems we had with the power line, the Cabeza Prieta, et cetera, and suggested that we make this part of the exchange.

So, it was a statement of mine up until 1987, although not based on an explicit review of the subject, that it was incompatible, which I changed in the summer of 1987. So, our current position is that it is not going to be incompatible.

Senator **Conrad**. The change in your position was a result of your receipt of the study that you have referenced.

Mr. **Spear**. Yes. That is the key factor: new information that resulted.

I would like to bring one other point up, Mr. Chairman. The other key factor was that the alternative that I had been pressing for up until that time—and that is the corridor route along Interstate 10—was not available and was not going to be available, it appeared, in time to make a decision on this 500 KV line which appeared to be imminent last summer.

Senator **Conrad**. Does the Fish and Wildlife Service have an existing proposal to expand the Kofa refuge to the north to include the New Water Mountains?

Mr. **Spear**. In 1974 there was an application withdrawal for the New Water Mountains into the Kofa National Wildlife Refuge consistent with a wilderness proposal that would have extended into the New Water Mountains. That application has never been withdrawn per se. So, in fact, it still exists as a proposed withdrawal. In essence, there are two competing wilderness proposals then on the New Waters. Part of my discussion with Mr. Bibles at the time was that I would propose to draw back that proposal of the Service to the power line, to the new boundary.

Senator CONRAD. My information is that the President forwarded such a proposal from the Secretary of the Interior to the Congress in 1976. Is that at variance with your understanding of what has occurred?

Mr. SPEAR. I think it is the same proposal. I think it originated in 1974 and probably was sent to the Congress in 1976.

Senator CONRAD. Is there any documentation that would support BLM's claim that the existing power line and pipeline through the Kofa refuge are significant management problems for the Fish and Wildlife Service?

Mr. SPEAR. I think I should address that as to whether there are management problems. That terminology has been around—that it was a a management problem. In fact, to the extent a controversy has existed on the first power line and early on in the beginning of the second power line, there was certainly, as was explained earlier by members of the delegation, a difference of opinion because of our different authorities. So, in that sense there were management differences.

I would have to say it is not a problem in the sense that it is the Fish and Wildlife Service's job. It is our authority to deal with that. So, in the sense that it is my responsibility, I don't call that a problem.

Senator CONRAD. I understand that you have said that if you had your pick, you would be locating on Interstate 10 I believe it is. Still, if you were able to do that, would that be your preference, routing the 500 KV line along Interstate 10?

Mr. SPEAR. The problem is that is not available. One of the difficulties that there has been in dealing with that issue is that I have suggested that that become an alternative. It is not a viable alternative. So, Kofa is the only alternative at this time.

Senator CONRAD. Is there anything in 2352 that guarantees that the cattle grazing will not be reestablished on the lands proposed for deletion from the Kofa range?

Mr. BIBLES. If I could answer that, I would say, yes, there is. The proposal is that a portion of the lands to the north of the corridor is to become part of the National Wilderness System. Those lands are not currently grazed and under the Wilderness Act, you cannot add grazing if it was not present at the time it was put into wilderness.

As a practical matter, if you put that strip to the north in wilderness and then had a narrow strip, there is no way that you could logically have livestock grazing. Besides, it is not the finest grazing land in the world. The individual that had that grazing permit before it was terminated, indicated you would have to hate a cow pretty bad to put her in there. But it would not make sense.

Of course, we have the direction that Senator DeConcini requested, that it be a part of the committee report that there not be grazing in that area. Certainly it would not be feasible to put grazing if you have the wilderness established. Our intent was to make the management easier. We would not require fencing. That would be south in that natural corridor through there, natural pass, would be managed by the Fish and Wildlife Service. The New Water Mountains to the north would be managed by BLM. So, it would not be grazed.

Senator CONRAD. I have no further questions for this panel. If Senator DeConcini does not, we want to thank all of you for appearing today and for answering the questions that we have put to you. If you have any further comment, we would be happy to take them at this point.

Mr. ROBISON. Mr. Chairman, Mr. Bibles has indicated he would like to make one other clarifying statement, if he could.

Senator CONRAD. We welcome that.

Mr. BIBLES. In connection with the time that Mr. Spear came to me and proposed that we make some other boundary changes, including the addition of the 80,000 acres to the Cabeza Prieta and the additional changes on the Kofa, we were looking at lands that were State trust lands in the Buenos Aires. Up until that point, we had talked only in terms of university grant lands. There is more than one kind of State trust lands inside the Buenos Aires that make up the total of the 90,000 acres. We had never talked in terms of trading for any more than those university grant lands.

It happens that the Catalina State Park is mostly made up of university grant lands, and we were looking at trading into the Santa Rita Experimental Range for university purposes, for research.

So, we had never talked about that additional 50,000 acres. It was after that point in time that Mr. Spear said let's go ahead and clear up these other boundaries and we would really like to include in this all the State trust lands in the Buenos Aires. And so, it was at that point in time we started trying to look at ways to get enough land together to trade for all of the State trust lands in Buenos Aires.

That is part of why this is, in fact, a total package and that I believe and we have recommended that if you start pulling pieces of that package out, that it would all start to crumble.

Thank you.

Senator CONRAD. Thank you very much. I thank the entire panel. We appreciate your being here.

Next we will hear from George Leonard, the Associate Chief of the Forest Service, the Department of Agriculture. Mr. Leonard?

STATEMENT OF GEORGE M. LEONARD, ASSOCIATE CHIEF, FOREST SERVICE, DEPARTMENT OF AGRICULTURE

Mr. LEONARD. Thank you, Mr. Chairman. I appreciate the opportunity to appear before you and present the views of the Department of Agriculture. Just as Mr. Robison indicated, the administration does not have a position on the bill. So, I will be presenting the views of the Department of Agriculture.

Senator CONRAD. Are you part of the administration?

Mr. LEONARD. Yes, but we will be representing only the Department of Agriculture today.

Senator **Conrad**. And that is part of the administration, but the administration has no position. I just want to make sure I understand.

Mr. **Leonard**. That's correct, yes.

Senator **Conrad**. I see.

Mr. **Leonard**. Mr. Chairman, I will discuss only those parts of the bill that affect the Forest Service.

There are several tracts of land which are either within or adjacent to the Coronado National Forest which would be transferred to the Forest Service under this bill. Those are logical additions to the Coronado National Forest, and while we have suggested some technical amendments to clarify their management status, we support those additions.

The major issue I would like to talk about today is the Santa Rita Experimental Range. Santa Rita is the oldest experimental range in the United States. It is the oldest research area managed by the Forest Service. And it is the principal location of our research on the improvement and management of semi-arid grassland ranges in the Southwest.

The Santa Rita Range is a world-class facility for range, ecology and wildlife management research in semi-desert areas. The historical, ecological and biological resources have been investigated and documented more completely at Santa Rita than on any other semi-arid rangeland in the world. This includes basic data on archaeology, geology, soils, vegetation, precipitation, fire, grazing, and the interactions with the wildlife and domestic livestock. Some of the data bases date back to 1903. These baseline data represent a unique and critical resource for range ecology investigations. Loss of the Santa Rita Experimental Range as a field research unit would interrupt the continuous 85 year record and result in an irreparable loss to the scientific community.

Currently we do about $500,000 a year of research on the Santa Rita Experimental Range. That includes the Forest Service and various cooperating agencies and universities.

With increasing concern over the effects of acid rain, global climate change, carbon dioxide and ozone levels, and the loss of biological diversity, these unique research areas with the extensive, long-term data bases and the long history of data collection must be maintained if we are to make good scientific judgments as to what the effects of these global changes are.

In anticipation of S. 2352, the State of Arizona passed legislation which authorizes the transfer of the Santa Rita Experimental Range to the state and subsequently to the University of Arizona for ecological and rangeland research purposes.

Our primary concern is not who owns or manages the Santa Rita, but that the ability to do ecological research on this area with these long records be maintained and made available. And we will look forward to cooperating with the University of Arizona to achieve those purposes should this legislation pass.

Senator **Conrad**. Maybe I could interrupt you at that point and ask do you anticipate any problems with that kind of arrangement. Have you had any arrangements like that in the past with the university? And if so, how have those worked?

Mr. **Leonard**. We have cooperated in research on that range for years with the University of Arizona. We think the arrangement is very workable. Obviously, all things being equal, we would rather have the facility remain in Forest Service full control. We understand the integral part of this transfer in this entire bill. We are satisfied that the state is making a good faith effort to maintain the integrity of the Santa Rita Range through the legislation. We are also satisfied with the provision that the only way that use of that area can be transferred out of its purpose for ecological research is through an act of the legislature in Arizona. That is probably the greatest commitment that the state can make.

We have suggested a number of technical amendments to this bill which we would recommend to the committee, and under the assumption that they would be accepted, we would support the bill.

[The prepared statement of Mr. Leonard follows:]

STATEMENT OF
GEORGE M. LEONARD, ASSOCIATE CHIEF
FOREST SERVICE
UNITED STATES DEPARTMENT OF AGRICULTURE

Before the Subcommittee on Public Lands, National Parks and Forests
Committee on Energy and Natural Resources
United States Senate

Concerning S. 2352, The Santa Rita Public Land Exchange Act

August 4, 1988

MR. CHAIRMAN AND MEMBERS OF THE SUBCOMMITTEE:

Thank you for this opportunity to testify on S. 2352, concerning the transfer and exchange of certain lands within the State of Arizona.

I will summarize only those parts of S. 2352 that would affect the Forest Service. The Administration will provide specific recommendations regarding S. 2352 after completing the interagency review. We hope this can be accomplished within a week. Therefore, the recommendations we make today may be subject to some modification.

S. 2352 would transfer about 51,000 acres in the Santa Rita Experimental Range from the Bureau of Land Management to the State of Arizona to satisfy the remaining Federal debt to the State for the Central Arizona Project and to acquire certain State lands. The Catalina State Park, the Madera-Elephant Head Trail area, and the Arivaca Lake area would be among the areas acquired by the Secretary of the Interior. The Catalina State Park and Madera-Elephant Head Trail area would be included in the National Forest System. It is our understanding that the intent is to include the Arivaca Lake area in the National Forest System, but the bill does not clearly state this intent.

The Executive Order and Public Land Order that withdrew the Santa Rita Experimental Range for semi-desert agricultural research would be revoked. S. 2352 would withdraw the Forest and Range Experiment Station administrative headquarters site within the Coronado National Forest from all forms of entry under the public land laws, except for mineral leasing. Finally, S. 2352 would adjust the boundary of the Coronado National Forest by deleting certain private lands.

EXCHANGE OF THE SANTA RITA EXPERIMENTAL RANGE (Section 2)

The Santa Rita Experimental Range is public domain land under the jurisdiction of the Bureau of Land Management. However, it has been administered by the Forest Service since 1903 for research on agricultural problems of semi-arid ranges under a series of Executive Orders, Public Land Orders, and an Interagency Agreement.

The Santa Rita Experimental Range is an important component of the Forest Service research program. It is the oldest research area maintained by the Forest Service, and it is the principal location for our research on the improvement and management of semi-arid grassland ranges of the Southwest. The results of this research apply directly to about 20 million acres of semi-arid rangeland in the Southwest and to another 20 million acres in northern Mexico. Furthermore, the research results apply indirectly to much of the agricultural land in many third-world countries.

The Santa Rita Experimental Range is generally viewed as a world-class facility for range, ecology, and wildlife management research in semi-desert areas. The historical, ecological, and biological resources have been investigated and documented more completely at Santa Rita than on any other semi-arid rangeland in the world. This includes basic data on archeology, geology, soils, vegetation, precipitation, fire, grazing, and interactions between wildlife and domestic livestock use of rangeland. Some of these data bases have been actively maintained since 1903. These baseline records comprise a unique and critical resource for range ecology investigations. Loss of the Santa Rita Experimental Range as a field research unit would interrupt the continuous 85-year record and result in an irreparable loss to the scientific community.

Currently, research on the Santa Rita includes basic studies on plant competition relationships, plant-drought interactions, physiological responses of undesirable plants to chemicals, plant-soil-grazing interactions, and fire-plant-soil interactions. Long-term grazing studies are being implemented to determine the impacts of livestock grazing systems on wildlife, soils, erosion, and hydrology. Plans for future research include studies to evaluate the ecological status of watersheds and various species of plants and animals on semi-arid lands.

Several research organizations are cooperating to carry out research on the Santa Rita, including universities, the Forest Service, the Soil Conservation Service, the Agricultural Research Service, and the Fish and Wildlife Service. Research investments by Federal and cooperating research organizations total $500,000 annually.

With increasing concerns over the effects of acid rain, global climate changes, carbon dioxide and ozone levels (the greenhouse effect), and loss of biological diversity, it becomes increasingly important that unique research areas with extensive data bases and a long history of data collection be maintained.

In anticipation of S. 2352 or similar legislation, the State passed legislation (Arizona Senate Bill 1249) that authorizes the transfer of the Santa Rita Experimental Range to the State, and subsequently to the University of Arizona, "for ecological and rangeland research purposes" (Sec. 3, clause 2). We would look forward to cooperating with the University of Arizona in achieving these purposes. Our primary concern is not who owns or manages the Santa Rita Experimental Range but rather that the area continues to be available for long-term range ecology research.

MANAGEMENT OF CATALINA STATE PARK (Sections 3 and 4)

The Catalina State Park is State Trust land for which the Arizona State Parks Department is required to pay annual fair market rent to the Arizona State Land Department. Because of the proximity of Catalina State Park to Tucson, its value as State Trust land increased substantially in 1988, thereby increasing the annual leasing costs. In effect, S. 2352 would transfer the State Park to the Coronado National Forest. The Forest would manage the Catalina State Park cooperatively with the Arizona State Parks Department under the authorities of the National Forest System.

Normally, the Forest Service charges a fee based on fair market value or a percent of income for special uses of National Forest System land. However, this fee could be substantially reduced since the user, in this case the State, would be providing a service that would otherwise be provided by the Forest Service.

S. 2352 provides that the Catalina State Park would be exempt from the planning requirements of the National Forest Management Act until the 1986 Coronado Forest Plan is revised, after which future management direction would be considered in the planning process for the entire National Forest. S. 2352 does not address management of the Park in the event the State withdraws from the management arrangement envisioned in the bill. We are providing an amendment in our supplemental statement that would clarify management of State Park facilities. We could support adding the Catalina State Park to the Coronado National Forest, if section 4 is amended as we suggest in our supplemental statement.

The Madera-Elephant Head Trail area would provide the right-of-way needed to connect two trail segments on adjacent National Forest land. The Arivaca Lake area, which is already within the boundary of the Coronado National Forest, would provide additional recreational opportunities. Therefore, the Madera-Elephant Head Trail area and the Arivaca Lake area would be logical additions to the Coronado National Forest. We have included an amendment in our supplemental statement that would clarify the transfer of the Arivaca Lake area to the Coronado National Forest.

REVOCATION OF SANTA RITA EXPERIMENTAL RANGE EXECUTIVE AND PUBLIC LAND ORDERS (Section 5)

As mentioned earlier, S. 2352 would revoke Executive Order 1222 and Public Land Order 1363, which withdrew the Santa Rita Experimental Range for a Forest and Range Experiment Station. S. 2352 would delay the revocation for lands outside the National Forest System until the date of transfer or patent to the State of Arizona. We believe the intent of this delay is to protect the land from entry until the exchanges are completed. This revocation is technically required to accomplish the purposes of this legislation.

WITHDRAWAL FOR ADMINISTRATIVE SITE (Section 6)

Section 6 of S. 2352 would change the area withdrawn for the administrative headquarters site by revoking an earlier withdrawal and substituting a new withdrawal in its place.

Section 6(a) would establish a new withdrawn area, containing about 750 acres of the Coronado National Forest, for use as a Forest Experiment and Range Station administrative headquarters site. The withdrawal would leave the area available for mineral leasing but close it to all forms of entry under the public land laws, including the 1872 Mining Law.

Section 6(b) would revoke the withdrawal for the original administrative headquarters site, located within the boundaries of the Coronado National Forest. The site was withdrawn by an Executive Order and a Public Land Order to serve as the headquarters for administration of the Santa Rita Experimental Range as part of the Rocky Mountain Forest and Range Experiment Station.

We support the withdrawal change for this administrative headquarters site, which would continue to be used for research, public access, and recreation purposes.

We also believe a similar withdrawal should be made for the Catalina State Park lands that would be transferred to the Coronado National Forest. Our supplemental statement includes an amendment to section 6(a) that would withdraw the Park from entry under the public land laws, including the 1872 Mining Law.

ADJUSTMENT OF CORONADO NATIONAL FOREST BOUNDARY (Section 12)

The boundary of the Coronado National Forest currently includes several parcels of privately-owned land. S. 2352 would adjust the boundary to exclude two sections of private land, thus providing for more efficient management of the National Forest. We support this adjustment, and we recommend that four additional sections of privately-owned land also be excluded from within the boundary of the Coronado National Forest. Our recommended amendment is included in the attached supplemental statement.

In summary, the Department of Agriculture generally supports the basic purposes of S. 2352. The amendments we recommend are intended to improve the technical accuracy or clarify the intent of the bill.

Mr. Chairman, this concludes my statement. I would be happy to answer any questions you or Members of the Subcommittee may have.

U.S. DEPARTMENT OF AGRICULTURE
SUPPLEMENTAL STATEMENT
RECOMMENDED AMENDMENTS TO S. 2352
August 4, 1988

Sec. 3. ACQUISITION OF LANDS.

In line 10, page 2, delete "1" and insert in lieu thereof "4". This will correct an apparent printing error.

Sec. 4. ADDITION TO THE CORONADO NATIONAL FOREST.

Insert the following immediately after "Park" in line 22, page 2:

", the Arivaca Lake area,".

Delete the last sentence of section 4(a) and substitute the following:

> "The Secretary of Agriculture shall manage the Catalina State Park lands under the authorities of the National Forest System: Provided, That the Secretary of Agriculture shall issue a special use authorization to the Arizona State Parks Department for continued operation and maintenance of facilities within Catalina State Park."

Insert the following sentence immediately after the dash in line 4, page 3:

> "The lands added to the Coronado National Forest by this section will be administered under the laws and regulations applying to National Forest System lands and the standards and guidelines for the management prescriptions applicable to all areas of the Coronado National Forest approved on August 4, 1986, as amended."

Sec. 6. WITHDRAWAL FOR ADMINISTRATIVE SITE.

Delete section 6(a) and substitute the following:

> "(a) Withdrawal--The following described lands within the Coronado National Forest are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws but not the mineral leasing laws, for research purposes and for public access and recreation purposes.
>
> (1) All of Section 19, the SW1/4 NW1/4, and W1/2 SW1/4 of Section 20, the N1/2 NE1/4 of Section 30; all in T. 19 S., R. 15 E., G&SRM; containing approximately 751.04 acres. (Florida Canyon)

(2) All those lands added to the Coronado National Forest in Catalina State Park, containing approximately 5,472 acres.

Sec. 12. ADJUSTMENT OF CORONADO NATIONAL FOREST BOUNDARY.

Insert "(a)" before "Proclamation 1121," in line 7, page 9.

Add a new subsection (b):

"(b) The proclamation dated July 19, 1907, which established the Coronado National Forest boundary as it is related to Township 15 South, Range 17 East, Gila and Salt River Meridian, is hereby modified to delete Sections 9, 10, 15, and 22, which are not under the jurisdiction of the United States Forest Service, from inclusion within the National Forest System."

Senator **Conrad**. If these amendments are adopted, you would be supportive of the bill.

Mr. **Leonard**. Yes.

Senator **Conrad**. The Agriculture Department.

Mr. **Leonard**. The Agriculture Department. I cannot commit the administration.

Senator **Conrad**. Not the administration.

Mr. **Leonard**. Not the administration.

Senator **Conrad**. Maybe the administration would too.

Mr. **Leonard**. Just as Mr. Robison indicated, we have no indication that the administration has problems with the bill. They felt that they weren't——

Senator **Conrad**. Well, they have some problem or they would here endorsing it, wouldn't they?

Mr. **Leonard**. I think so.

Senator **Conrad**. Well, that is a curious way to proceed.

All right. Thank you very much.

Mr. **Leonard**. Thank you, Mr. Chairman.

Senator **Conrad**. One of the problems we now have, because of the interruptions that have occurred, is that we may run out of time. What we would like to do is to make certain that all of those witnesses who have come from Arizona have a full chance to be heard. So, I would like to call all of the witnesses who are here to come forward so that we can receive their testimony: Jean Hassell, State Land Commissioner of the Arizona State Land Department; Courtland Nelson, Deputy Director of the Arizona State Parks; Cary Meister of the Arizona Wilderness Coalition; Dale Turner, the Conservation Chair of the Rincon Group; Charles Babbitt—that is a famous name—President of the Maricopa Audubon Society.

In order to ensure that everybody gets a chance to be heard, we will operate as closely as we can to the three minute rule. I apologize for that, but given the delays that have occurred, that is the only way we are probably going to assure that we have a chance to hear from all of you and also have a chance to ask questions. So, we will follow the lights. The green light means go. The yellow light means caution, and red light means you are about to be arrested.

If we can start with Jean Hassell, the State Land Commissioner of the Arizona State Land Department.

STATEMENT OF M.J. HASSELL, STATE LAND COMMISSIONER, ARIZONA STATE LAND DEPARTMENT

Mr. **Hassell**. Mr. Chairman, we appreciate the opportunity to be here to speak in support of the Federal legislation that would permit exchange of lands between the state and Federal agencies involved in the Santa Rita proposal. And I will compress my statement, but I would ask that my entire prepared statement be entered into the record.

Senator **Conrad**. Absolutely. That will be done without objection. And let me just indicate to all of the witnesses that your full statements will be entered into the record and that that is important to the information of the subcommittee.

Mr. HASSELL. I would point out that many interested individuals and groups and even communities representing a very wide range of interests worked long and hard to hammer out the compromises that were necessary to put together the legislation required at the state level to ensure the continued management of Santa Rita Experimental Range as an ecological and rangelands research area.

The hard work of all these Arizona interests was rewarded when our state legislature overwhelmingly passed our senate bill 1249 which was then signed into law by Governor Mofford on May 16, 1988. We have submitted a copy of that with my statement for the record.

Completing the Santa Rita exchange would accomplish some very important objectives in Arizona. And these have largely been presented I believe as pretty much state objectives, and I don't believe that it is quite that narrow. Some of these objectives are joint Federal-state objectives.

Certainly the first objective, to preserve the Santa Rita Range as an experimental area, is of great importance, and we totally support the statement by the Forest Service in that regard.

And I would just point out that action on the part of our legislature and our governor dedicating this area to research is very much like the Federal Congress dedicating a wilderness area: only the Congress can change that. And we see our action in Arizona very much the same way. We have given the highest assurance that our state can give that this will continue as a research area.

I would very quickly point out that on the Catalina State Park, its beginning started when development on private lands adjacent to a federally managed wilderness area was about to take place. The state stepped in, acquired that area, put it into a state park. And that state park serves the federally managed wilderness area, the Pusch Ridge Wilderness Area. It is a trailhead. It is a buffer, and it serves a Federal purpose as well as a state purpose.

I think many of the other objectives of this exchange are also shared Federal objectives. Adding archaeological resources to Federal areas for all the public to use and enjoy is certainly a Federal objective.

So, these are not just narrow state objectives that are being met. They are both Federal and state objectives, and we are repositioning resources where we are matching up I think missions along with land patterns where we acknowledge these objectives in a better way. And I think this is what government ought to do.

I would also point out very quickly that we have submitted some clarifying amendments that we would like to have considered as this bill is reworked and finalized.

Thank you very much. I see my time is gone.

[The prepared statement of Mr. Hassell follows:]

TESTIMONY OF THE STATE OF ARIZONA ON SENATE BILL S.2352
GIVEN BY STATE LAND COMMISSIONER M. J. HASSELL
BEFORE SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL
FORESTS, COMMITTEE ON ENERGY AND NATURAL
RESOURCES, U. S. SENATE
August 4, 1988, Washington, D.C.

The State of Arizona supports Federal legislation that will permit exchange of lands between the State and the Federal agencies involved in the Santa Rita Exchange Proposal. Many interested individuals, groups and communities representing a wide-range of interests worked long and hard to hammer out the compromises necessary to put together the legislation required at the State level to insure the continued management of Santa Rita Experimental Range as an ecological and rangelands research area to be managed by the University of Arizona.

The hard work of these Arizona interests was rewarded when our State Legislature overwhelmingly passed Senate Bill 1249 which was then signed into law by Governor Mofford on May 16, 1988. A copy of this law will be submitted for the record.

Completing the Santa Rita exchange will achieve several very important objectives for the State of Arizona.

OBJECTIVE #1 - First and foremost the exchange will place the Santa Rita Experimental Range in State ownership and under the management of the University of Arizona in a manner that preserves the Range for research purposes now and in the future.

OBJECTIVE #2 - The exchange will transfer areas of high public value to public ownership where these values can be better protected for the use and enjoyment of the public.

A. The first of these areas is Catalina State Park near Tucson which will transfer to Federal ownership where it can be continued as a state park through a permit issued by the Federal Government to the State Parks Board. The state park is a buffer and major trail head to the federally-owned and managed Pusch Ridge Wilderness Area. This would insure the future of the park because, unlike the State Land Department, recreation is an important part of the Forest Service mission.

B. Transfer the lands surrounding Arivaca Lake in Pima County from the State of Arizona to Federal ownership where this popular recreation area can be managed for public use and enjoyment.

C. Convey a substantial portion of the Buenos Aires Wildlife Refuge in Pima County to Federal ownership so that its continued use as a National Wildlife Refuge can be assured and so that annual Federal appropriations are not required to pay rental due the Trust.

D. Place areas containing outstanding archaeological resources in Central Arizona in Yavapai County into Federal ownership where they can be protected and managed for public enjoyment and interpretation.

OBJECTIVE #3 - It will compensate the State Trust for lands taken by the Federal Government for Central Arizona Project facilities -- the Tucson Aqueduct and the New Waddell Dam & Reservoir. The Federal Government still owes the State 13,000 acres.

OBJECTIVE #4 - Convey to the State Land Department/Arizona Department of Transportation the 343-acre "Red Mountain Parcel" which adjoins the Salt River Indian Reservation northeast of Mesa. The State will then be able to use this land to help with the negotiations with the Salt River Indian Tribe for the outer loop right-of-way along the west border of the Reservation.

We are aware, of course, that the Federal Government has an additional objective to modify National Wildlife Refuge boundaries in Arizona as follows:

A. Expand the Cabeza Prieta National Wildlife Refuge in Yuma County to include 80,497 acres on the Tinajas Altas Mountains.

B. Eliminate a 42,770-acre strip of land along the north border of the Kofa National Wildlife Refuge in La Paz County to open up a utility corridor and to place the land north of the corridor into a Bureau of Land Management Wilderness Area.

We are also aware that differences of opinion exist concerning the Kofa National Wildlife Refuge. From the State of Arizona's point of view, regardless of which agency finally has jurisdiction over the northern part of what is now the Kofa Refuge, on the ground management will not differ. We strongly urge this debate over principles not be allowed to negate or diminish this outstanding opportunity.

In an unrelated matter in Arizona the State Land Department's constitutional authority to exchange lands has been brought into question. To clear up the question insofar as the Santa Rita exchange is concerned and to insure that the authority to execute the exchange as intended clearly exists, we recommend amending Senate Bill S.2352, Section 3, Acquisition of Lands, part 2 line 16 by adding a new sentence as follows: THE SECRETARY, THROUGH THE BUREAU OF LAND MANAGEMENT, IS ALSO AUTHORIZED TO ACQUIRE THESE STATE LANDS BY EMINENT DOMAIN USING THE FEDERAL LANDS DESCRIBED IN SECTION 2 AND OTHER FEDERAL LANDS IF NEEDED TO EQUALIZE VALUES TO COMPENSATE THE STATE.

We also recommend that Section 11(2) describing the Red Mountain tract be changed to reflect the recent survey and to show rights-of-way across the tract which should be reserved to the United States as follows:

Lots 7, 9, 11, 13 through 15, and 17 through 29 of Section 24, T. 2 N., R. 6 E., G&SRM. The effective date of the revocation shall be the date of patent.

— Excepting and Reserving to the Salt River Project a right-of-way for electric transmission and distribution lines and access purposes across the above-described lands in the location as shown on the Salt River Project drawing number C-675-439.88, dated June 1988.

Mr. Chairman, I have one last comment. There have been questions about the State's intent to preserve the Santa Rita Range as an ecological and rangelands research area. The whole purpose of Arizona State Senate Bill 1249 which was signed into law by our Governor was to give the highest assurance our State can possibly give. This act dedicates the Santa Rita Range as an ecological and rangelands research area and only the State Legislature can ever change the intended use. I see this as the same commitment the Congress makes at the Federal level when it dedicates land to certain uses such as a wilderness area. These dedications can only be changed by the Congress.

Arizona State Senator John U. Hays, who is Chairman of the

Arizona State Senate Committee on Natural Resources and Energy has written to Bureau of Land Management Director, Robert Burford and to Forest Service Chief, Dale Robertson about this. I would like to read Senator Hay's letter and submit a copy for the record.

(SEE ATTACHED)

Thank you for the opportunity to present the views of the State of Arizona to the Subcommittee. I would be pleased to respond to any questions you have.

House Engrossed Senate Bill

ISSUED BY
JIM SHUMWAY
SECRETARY OF STATE

State of Arizona
Senate
Thirty-eighth Legislature
Second Regular Session
1988

Chapter 76
SENATE BILL 1249

AN ACT

RELATING TO PUBLIC LANDS; PROVIDING FOR EXCHANGE OF STATE TRUST LANDS FOR FEDERAL LANDS IN THE SANTA RITA EXPERIMENTAL RANGE; PRESCRIBING THAT CERTAIN LANDS NOT BE EXCHANGED UNLESS AN AGREEMENT IS REACHED FOR CONTINUED USE OF THOSE LANDS AS A STATE PARK AND PRESCRIBING CERTAIN REQUIREMENTS, PURPOSE, TRANSFER AND COMPLIANCE.

Be it enacted by the Legislature of the State of Arizona:

Section 1. Exchange of lands

A. The state land department is authorized to take the necessary land exchange and land selection actions pursuant to section 37-722, Arizona Revised Statutes, to acquire the federal lands, described in subsection B of this section, that are in the area known as the Santa Rita experimental range. The state land department is authorized to transfer to the United States the trust lands that are located in the areas described in subsection C of this section.

B. The federal lands are those lands described below that lie within the Santa Rita experimental range in Pima county, Arizona:

Sections 33 through 36, T17S, R14E, G&SRB&M; Sections 31 through 34, T17S, R15E, G&SRB&M; Sections 24 and 25, T18S, R13E, G&SRB&M; Sections 1 through 4, 9 through 16 and 21 through 36, T18S, R14E, G&SRB&M; Sections 3 through 9, 16 through 21 and 26 through 34, T18S, R15E, G&SRB&M; Sections 1 through 6, 9 through 16, 22 and 23, T19S, R14E, G&SRB&M; Sections 3 through 10 and 16 through 18, T19S, R15E, G&SRB&M; containing 50,809.94 acres, more or less.

C. The state trust lands are located in the following listed areas:

1. Catalina state park in Pima county, 5,492.26 acres.
2. Buenos Aires national wildlife refuge in Pima county, approximately 80,000 acres.
3. Arivaca lake area in Pima county, 1,562.89 acres.
4. Central Arizona Project aqueduct in Pima county, 1,930.42 acres.
5. New Waddell reservoir recreation area in Maricopa and Yavapai counties, approximately 10,000 acres.

6. Black Canyon corridor archaeological area in Yavapai county, approximately 50,000 acres.

7. Madera-Elephant head trail area in Pima county, approximately 520 acres.

D. The state lands to be conveyed to the United States out of the areas listed in subsection C of this section shall be substantially equal in value to the federal lands listed in subsection B of this section that are acquired from the United States. The state land department shall negotiate the final exchange value with the bureau of land management based on appraisals conducted by the department and the bureau of all lands proposed for exchange. The state land department, without need for additional legislative action, may make adjustments in the acreage of the trust lands to be conveyed out of the areas described in subsection C of this section to ensure that the exchanged lands are of substantially equal value.

E. The state land department shall not exchange any lands described in subsection C, paragraph 1 of this section unless an agreement has been reached between the United States and the Arizona state parks board for the continued use of those lands as a state park.

Sec. 2. Purpose

The objectives of the exchange are to:

1. Place state trust lands with high public values into public ownership where their special natural resources can be protected and managed for the general public.

2. Compensate the trust for trust lands taken by the United States for construction of Central Arizona Project facilities.

3. Enable the state to acquire the lands in the Santa Rita experimental range for ecological and rangeland research for the use and benefit of the trust beneficiaries.

Sec. 3. Transfer

On the acquisition of lands in the Santa Rita experimental range, the state land department and the Arizona board of regents are authorized and directed to proceed with institutional takings and beneficiary exchanges that will:

1. Place the trust lands in university grant status.

2. Assign them to the university of Arizona for use for ecological and rangeland research purposes. This use shall continue until such time as the legislature determines that the research use can be terminated on all or part of the lands.

Sec. 4. Compliance

In addition to the requirements of this act the state land department shall comply with applicable provisions of state and federal law regarding land exchange procedures.

Sec. 5. Emergency

To preserve the public peace, health and safety it is necessary that this act become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Approved by the Governor May 12, 1988

Filed in the Office of the Secretary of State May 16, 1988

Arizona State Senate
Capitol Complex, Senate Building
Phoenix, Arizona 85007

July 26, 1988

Mr. Robert Burford, Director
U. S. Department of the Interior
Bureau of Land Management
18th and C Street NW
Washington, D. C. 20240

Dear Mr. Burford:

I am writing to you in regard to the Federal legislation that will authorize what is known in Arizona as the Santa Rita land exchange. This exchange is designed to enable the State to acquire the Santa Rita Experimental Range for continued wild land research purposes, and to transfer to Federal ownership, the State Trust lands with important public values that should be protected in public ownership. I understand that questions have been raised about the State legislation SB 1249, copy attached, that contained a provision in Section 3-2 that the research use shall continue until such time as the Legislature determines that it can be terminated. Apparently, there is some concern over the possible future termination of the research uses. I have been asked to write to you to clarify the background and the intent of SB 1249.

First, let me say that the Santa Rita exchange is important to the State and to the Federal Government because it can solve many other land use problems here in Arizona. It is of mutual benefit to the Federal Government and to the State to complete this exchange. The Bureau of Land Management and State Government here in Arizona know this and have worked hard to develop and pass the legislation, SB 1249, which authorized the State to accept the Santa Rita lands in exchange and devote them to "ecological and rangelands research purposes". The legislation, which passed both the House and Senate of our Legislature, was signed into law by Governor Mofford on May 16, 1988.

During the development of the legislation, there were evolutionary changes. Initially, the legislation did not contain assurances that the Santa Rita area would continue to be used as a research area which was of interest not only to the University of Arizona and livestock interests, but to many others here in the State. The next version proposed that the Federal Government transfer the Santa Rita Range to the State with legislative requirements that the area be used for a minimum of 25 years for range research purposes. There were two strong and valid criticisms of this version. The first criticism came from those who felt this was not adequate protection and assurance that the Santa Rita Range would be continued for research purposes beyond the minimum 25 years required by legislation. The second criticism came from the Arizona Attorney General's Office. Their advice made it clear that Arizona's Enabling Act and Constitution would prohibit the State taking title to the Santa Rita area if it were encumbered in any manner, including the proposed 25 year restriction.

At this point we rewrote the proposed legislation to include two provisions. The first of these is that the lands would be placed in University Grant status and assigned to the University of Arizona for the purpose of conducting research. The second provision required the area to be dedicated to research and the purpose could not be changed without further action on the part of the State Legislature. This second provision clearly spells out the intent of the State of Arizona insofar as the use of this land is concerned, and, by requiring an act of the Legislature to change the research purpose of the area, puts the matter in the hands of the people of Arizona.

Armed with these two provisions, it would be extremely difficult to change the research purpose of the Santa Rita unless this was supported by the people. In short, we feel that SB 1249 gives the highest assurance that Arizona can give for the protection of the Santa Rita Experimental Range for research purposes.

In closing, I want to also point out that Federal ownership does not ensure permanent protection. The excellent research base which was being developed at the Ft. Stanton Research Range in

New Mexico did not fair well under Federal protection. This important research effort was terminated by Federal action and is now an airport. I believe that the State of Arizona can adequately protect, and is the appropriate entity to protect, the Santa Rita Research Range. After all, its greatest importance is to the people of Arizona.

I hope this history and background helps clear any questions about our intent and our ability to protect this area.

Your assistance in moving this proposal forward will be greatly appreciated. If any additional information is needed, please don't hesitate to call.

Sincerely,

John Hays

John Hays
Arizona State Senator
Chairman, Natural Resources & Agriculture Committee

Enclosure

House Engrossed Senate Bill

ISSUED BY
JIM SHUMWAY
SECRETARY OF STATE

State of Arizona
Senate
Thirty-eighth Legislature
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1988

Chapter 76
SENATE BILL 1249

AN ACT

RELATING TO PUBLIC LANDS; PROVIDING FOR EXCHANGE OF STATE TRUST LANDS FOR FEDERAL LANDS IN THE SANTA RITA EXPERIMENTAL RANGE; PRESCRIBING THAT CERTAIN LANDS NOT BE EXCHANGED UNLESS AN AGREEMENT IS REACHED FOR CONTINUED USE OF THOSE LANDS AS A STATE PARK AND PRESCRIBING CERTAIN REQUIREMENTS, PURPOSE, TRANSFER AND COMPLIANCE.

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B. The federal lands are those lands described below that lie within the Santa Rita experimental range in Pima county, Arizona:

Sections 33 through 36, T17S, R14E, G&SRB&M; Sections 31 through 34, T17S, R15E, G&SRB&M; Sections 24 and 25, T18S, R13E, G&SRB&M; Sections 1 through 4, 9 through 16 and 21 through 36, T18S, R14E, G&SRB&M; Sections 3 through 9, 16 through 21 and 26 through 34, T18S, R15E, G&SRB&M; Sections 1 through 6, 9 through 16, 22 and 23, T19S, R14E, G&SRB&M; Sections 3 through 10 and 16 through 18, T19S, R15E, G&SRB&M; containing 50,809.94 acres, more or less.

C. The state trust lands are located in the following listed areas:

1. Catalina state park in Pima county, 5,492.26 acres.
2. Buenos Aires national wildlife refuge in Pima county, approximately 80,000 acres.
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4. Central Arizona Project aqueduct in Pima county, 1,930.42 acres.
5. New Waddell reservoir recreation area in Maricopa and Yavapai counties, approximately 10,000 acres.

6. Black Canyon corridor archaeological area in Yavapai county, approximately 50,000 acres.

7. Madera-Elephant head trail area in Pima county, approximately 520 acres.

D. The state lands to be conveyed to the United States out of the areas listed in subsection C of this section shall be substantially equal in value to the federal lands listed in subsection B of this section that are acquired from the United States. The state land department shall negotiate the final exchange value with the bureau of land management based on appraisals conducted by the department and the bureau of all lands proposed for exchange. The state land department, without need for additional legislative action, may make adjustments in the acreage of the trust lands to be conveyed out of the areas described in subsection C of this section to ensure that the exchanged lands are of substantially equal value.

E. The state land department shall not exchange any lands described in subsection C, paragraph 1 of this section unless an agreement has been reached between the United States and the Arizona state parks board for the continued use of those lands as a state park.

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The objectives of the exchange are to:

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On the acquisition of lands in the Santa Rita experimental range, the state land department and the Arizona board of regents are authorized and directed to proceed with institutional takings and beneficiary exchanges that will:

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Sec. 4. Compliance

In addition to the requirements of this act the state land department shall comply with applicable provisions of state and federal law regarding land exchange procedures.

Sec. 5. Emergency

To preserve the public peace, health and safety it is necessary that this act become immediately operative. It is therefore declared to be an emergency measure, to take effect as provided by law.

Approved by the Governor May 16, 1988

Filed in the Office of the Secretary of State May 16, 1988

Arizona State Senate
Capitol Complex, Senate Building
Phoenix, Arizona 85007

July 26, 1988

Mr. F. Dale Robertson
Chief, Forest Service
U. S. Department of Agriculture
P. O. Box 2417
Washington, D.C. 20013

Dear Mr. Robertson:

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During the development of the legislation, there were evolutionary changes. Initially, the legislation did not contain assurances that the Santa Rita area would continue to be used as a research area which was of interest not only to the University of Arizona and livestock interests, but to many others here in the State. The next version proposed that the Federal Government transfer the Santa Rita Range to the State with legislative requirements that the area be used for a minimum of 25 years for range research purposes. There were two strong and valid criticisms of this version. The first criticism came from those who felt this was not adequate protection and assurance that the Santa Rita Range would be continued for research purposes beyond the minimum 25 years required by legislation. The second criticism came from the Arizona Attorney General's Office. Their advice made it clear that Arizona's Enabling Act and Constitution would prohibit the State taking title to the Santa Rita area if it were encumbered in any manner, including the proposed 25 year restriction.

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State of Arizona
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Chapter 76
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Sincerely,

John Hays

John Hays
Arizona State Senator
Chairman, Natural Resources & Agriculture Committee

Enclosure

6. Black Canyon corridor archaeological area in Yavapai county, approximately 50,000 acres.

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Sec. 5. Emergency

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Approved by the Governor May 1~~6~~2, 1988

Filed in the Office of the Secretary of State May 16, 1988

Senator WIRTH [presiding]. Mr. Hassell, thank you very much. I am trying to figure out how we are going to be able to do all of this by 4 o'clock when we all have turn into a pumpkin. We have four remaining witnesses from the great State of Arizona. And then we have remaining Mr. Evans and Mr. Greenwalt and Mr. Reffalt and Mr. Housley which are all going to have to slide in. And if I calculate this properly to get all of this done—I think that there is pretty broad agreement on this legislation, isn't that right? No?

Mr. HASSELL. As far as I think our end of it, there is broad agreement. There is certainly not agreement on the Kofa.

Senator WIRTH. Well, I think what we will try to do if we can is we have four more witnesses from Arizona. Why don't we ask each of you to include your statements in the record? And can we do a three minute number for each of you? Is that all right? And then we will see if we can move to the remaining four witnesses and see if we can put that package together by 4 o'clock if that is all right.

Mr. Travous?

STATEMENT OF COURTLAND NELSON, DEPUTY DIRECTOR, ARIZONA STATE PARKS

Mr. NELSON. Mr. Chairman, I am Courtland Nelson, Deputy Director of State Parks, speaking for Mr. Travous.

I am pleased to have this opportunity to testify on behalf of this bill. I would like to focus your attention on the portion of this bill that pertains to Catalina State Park, page 2, section 4(a).

Catalina State Park didn't just happen, as is the case with some areas that are set aside for public use and protection. It was created through hard work over a 10 year period by a coalition of more than 20 local and statewide organizations. That distinguished effort resulted in the identification of a 5,000 acre park adjacent to the Pusch Ridge Wilderness Area in 1983.

I use the term "identification" and not "dedication" purposefully. The park sits on state trust land. The 25 year lease calls for reappraisal of the land value in 1989. The tremendous population growth since 1983 and the resulting increase in land values means that we will not be able to pay the lease fees, which could increase tenfold. The crisis begins on July 1, 1989. Passage of this bill means that the park will be dedicated and the crisis averted.

This is not just a "State of Arizona" problem. It is also the U.S. Forest Service's problem. Catalina State Park is a major access point to the Pusch Ridge Wilderness Area. We estimate conservatively that 60 percent of the 112,000 visitors last year used the park as a regular staging area for horses and hikers in the wilderness area.

The state park is the first contact with users and thus represents the first line of defense against overuse and misuse of Federal lands. Unmanaged use results in abuse highlighted in the enclosed July 27 article entitled "Wilderness Areas Being Loved to Death."

All land managers in the west are acutely aware of the problems associated with public land use and are quickly coming to the conclusion that we can't handle the problem on our own. This is the genesis of the U.S. Forest Service's Dale Robertson's partnership initiative. This bill reaches to the core of that initiative.

Catalina State Park sits on the foothills of the Catalina Mountains between the lower and upper Sonoran Desert ecological areas. That means that in addition to the higher grasslands plant life, you find native cactus abounding. Along the streams of the Canada del Oro and Southerland washes are located mesquite bosques and an abundance of wildlife found in these riparian areas. These areas are becoming more important as development accelerates.

Recent archaeological surveys show several key locations of the Hohokam dwellings that date back to 200 to 300 A.D.

Place as a backdrop to this beautiful and critical cultural, natural and recreational landscape the Catalina Mountains and you understand immediately the pressure that is being placed upon it by development.

Passage of S. 2352 will dedicate this area for future generations. It will mean that sensitive habitat will be preserved, important ecological systems will be protected, archaeological sites will remain intact, managed use of the Catalina Mountains will continue, and that the crisis will be thwarted.

I enlist your support.

[The prepared statement of Mr. Nelson follows:]

Testimony of Courtland Nelson
Deputy Director, Arizona State Parks

on S 2352

Before the Public Lands Subcommittee
of the Committee on Energy & Natural Resources
August 4, 1988

Mr. Chairman and members of the Committee, I'm Courtland Nelson, Deputy Director of Arizona's State Parks System. I am pleased to have this opportunity to testify on behalf of this Bill and would like to focus your attention on the portion of this Bill that pertains to Catalina State Park.

Catalina State Park didn't "just happen," as is the case with some areas that are set aside for public use and protection. It was created through hard work over a ten-year period by a coalition of more than 20 local and statewide organizations. That distinguished effort resulted in the identification of the 5511-acre park, adjacent to the Pusch Ridge Wilderness Area, in 1983.

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The State Park is the first contact with users and, thus, represents the first line of defense against overuse and misuse of federal lands. Unmanaged use results in the abuse highlighted in the enclosed July 27 article entitled, "Wilderness Areas Being Loved to Death."

All land managers in the West are acutely aware of the problems associated with public use of land and we are quickly coming to the conclusion that we can't handle the problem on our own. This is the genesis of U.S. Forest Service Chief, Dale Robertson's "Partnership Initiative." This Bill reaches to the core of that initiative.

Catalina State Park sits in the foothills of the Catalina Mountains, between the lower and upper sonoran desert ecological zones. That means that in addition to the higher grasslands plant life, you will find native saguaro cactus, yellow and blue palo verde, and acacia. Along the streams of the Canada del Oro and Southerland washes are located mesquite bosques and an abundance of wildlife found in these riparian areas. Areas that are becoming more important as development accelerates.

Recent archaeological surveys show several key locations of Hohokam dwellings that date back to 200-300 AD. The sites are in such good condition (not vandalized) that they are being considered for inclusion into the National Register of Historic Places.

Place as a backdrop to this beautiful and critical cultural, natural, and recreational landscape the Catalina Mountains and you understand immediately the pressure that is being placed upon it by development.

Passage of S 2352 will dedicate this area for future generations. It will mean that sensitive habitat will be preserved, important ecological systems will be protected, archaeological sites will remain intact, managed use of the Catalina Mountains will continue, and the July 1, 1989 crises will be thwarted.

I enlist your support.

Wilderness areas being 'loved to death'

By Dave Goeller
Associated Press Writer

WASHINGTON — Americans looking for a pristine wilderness experience on remote U.S. Forest Service lands increasingly are finding trashy campsites, unsafe trails, unhealthy water and pollution.

Forest service officials recounting these problems also are warning that because of tight money and growing land use, conditions are likely to worsen among the 32 million acres of official wilderness under their control.

"We're falling behind," George Leonard, associate USFS chief, told the House Interior public lands subcommittee on Tuesday in what chairman Bruce Vento, D-Minn., said was the first-ever congressional review of the condition of wilderness areas protected from development under a landmark 1964 law.

"Wilderness areas are now literally being loved to death" by burgeoning numbers of backpackers, some of them ignorant of backcountry etiquette and hygiene, said Greg Hansen, a ranger from the Superstition Wilderness in Arizona's Tonto National Forest.

Richard LaBorde, supervisor for two areas in California's Inyo National Forest, said that overuse there has been countered by setting trailhead quotas and requiring

See Wilderness Page 12

Wilderness from Page 1

campers to obtain permits.

But he said the areas' two rangers are able to contact only 7 percent of the visitors to brief them on backcountry manners and that trail reconstruction is eight years behind schedule, causing safety and erosion problems.

LaBorde said all visitors are told to purify water before drinking it. And to combat improper sanitation practices by campers, there are now two solar toilets on the popular Mount Whitney trail, he said.

Anne Fege of the Forest Service explains that such toilets are portable enclosures that have solar collectors to generate heat to dry out and compost human waste.

LaBorde said grazing by pack animals owned by commercial outfitters is nearing the land's grazing capacity and that concentrated use of some campsites "has left many barren scars on the landscape."

"Our efforts to regain some sort of natural condition to these areas have been weak," testified LaBorde, adding that he's "had very little success" in getting Forest Service support for revegetation efforts.

Leonard and the six rangers at the hearing said more money is needed to manage the wilderness areas. Vento agreed, saying that only 32 cents a year is being spent on each wilderness acre, compared to $6.30 per acre for general forest service lands.

Since 1964, Congress has doubled the number of wilderness areas to 352. It also has doubled the wilderness budget to about $15 million. Leonard said, however, that this "doesn't give us the resources to get ahead."

The rangers from the field continually emphasized one point: beyond one headquarters job in Washington, there are no full-time jobs as wilderness rangers and no Forest Service career track in wilderness management.

As a result, there is little overall management planning, considerable turnover among skilled field people and little time for rangers to do much more than keep a cursory watch on the remote acreage under their domain.

"The reality of a person only working five months is that there is little planning time available," said Linda Merigliano, the ranger responsible for the 116,500-acre Jedediah Smith Wilderness in Wyoming.

She said that because of tight money, 63 percent of her trail system is substandard and deteriorating. She estimated it would cost $162,295 for labor and materials to repair the trails.

"Most of the impacts occurring in the Jedediah Smith Wilderness result from visitor ignorance of appropriate camping and traveling behavior," said Merigliano, adding that she couldn't get $30 to put together a slide show about proper camping techniques.

She said that despite the requirements of the Targhee National Forest Plan, her area lacks an assessment of its campsites.

Lee Kirsch, the ranger for three areas in Colorado's San Isabel National Forest, said such assessments in her areas found 85 percent of the campsites violating wilderness regulations.

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STATE LAND COMMISSIONER

KENNETH E. TRAVOUS
EXECUTIVE DIRECTOR

COURTLAND NELSON
DEPUTY DIRECTOR

August 15, 1988

Beth Norcross
Subcommittee on Public Lands
308 Senator Dirkson Office Building
Washington, D.C. 20510-6150

Dear Ms. Norcross:

During the testimony on S 2352, there were discussions on the Catalina State Park portion of the land trade. While the State legislation on this matter indicates that the trade will not take place until the Arizona State Parks Board reaches agreement on management with the U.S. Forest Service, that issue may not be clear in the Federal legislation.

It is my understanding that the record will remain open on this hearing until August 24. I would like to submit this letter, along with the enclosed map, into that record of testimony.

The endorsement of this legislation by the State Parks Board has been predicated upon the understanding that the park, as it now exists, will remain so once the U.S. Forest Service obtains ownership. Anything less will require further study by the staff and discussions with the Parks Board.

Thank you for your attention to this matter. If further clarification is needed, please advise.

Sincerely,

KENNETH E. TRAVOUS
Executive Director

KET:oml
Enclosure

cc: Duane Miller
Senator Dennis DeConcini
Senator John McCain

ARIZONA STATE PARKS LAND AS FOLLOWS:

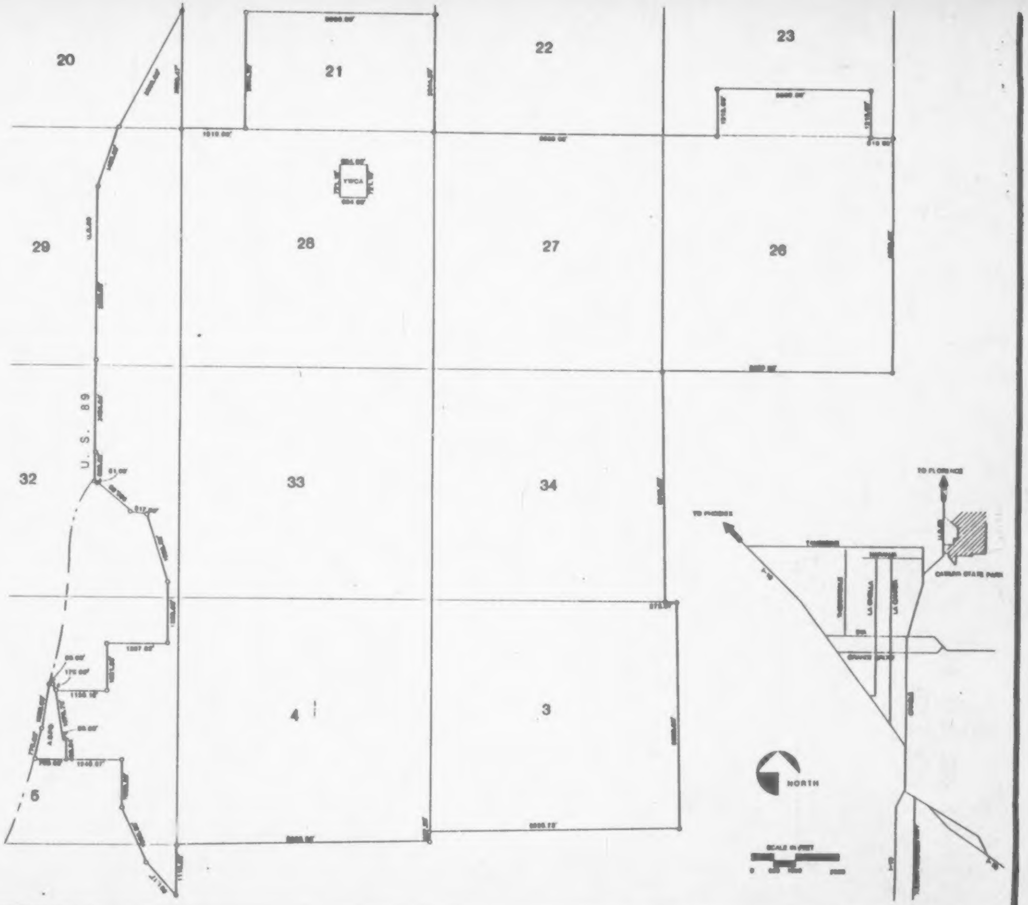
That portion of the north half of the south half and of the south half of the north half of section 5, township 12 south, range 14 east, G&SRB&M, Pima County, Arizona, lying westerly of Tucson-Florence highway as said highway existed prior to re-establishment of US Highway 89, Federal Secondary Project 111 (B); and lying easterly of the easterly right of way of US Highway 89, Federal Secondary Project 111 (B);

And the west half of that portion of the Tucson-Florence highway abandoned by instrument recorded in the Office of the County Recorder of Pima County, Arizona in Docket 739 at page 598, within the west half of section 5 township 12 south, range 14 east, G&SRB&M, Pima County, Arizona.

STATE LEASED LANDS AS FOLLOWS:

Sections 26, 27, 33, 34, S 1/2 SE, exc E. 610', S. 1315', W 610' and N. 1315' and E 1/2, S 1/2, SW of 28, E 1/2, SW & SE of 21, Part of SE, lying S & E of U.S. 89 of sec. 20, E 1/2, exc. irregular parcel in SW of 32, Township 11 South, Range 14 East, Pima County, Arizona;

And Sections 3, 4, E 1/2; exc. irreg. parcels in NE and SE of 5, and irregular parcel in NE of 8, Township 12 South, Range 14 East, Pima County, Arizona.



ARIZONA STATE

no.	revision	date

Senator WIRTH. Thank you, Mr. Nelson.

Mr. Meister?

STATEMENT OF CARY W. MEISTER, EXECUTIVE COMMITTEE, ARIZONA WILDERNESS COALITION, AND PRESIDENT, YUMA AUDUBON SOCIETY

Mr. MEISTER. Mr. Chairman, my name is Cary Meister, and I represent the Executive Committee of the Arizona Wilderness Coalition of which I am a member, as well as the 100 members of the Yuma Audubon Society in Yuma, Arizona. I am president of the latter organization.

I welcome the opportunity to testify before you today because I feel so strongly in both directions about the proposed legislation. On one hand, there should be no question that the bulk of this bill should be enacted into law, but the broad base of support for the core of this bill, the original Santa Rita exchange concept, should not be allowed to carry with it a most harmful and undesirable provision that would transfer approximately 40,000 acres of the Kofa National Wildlife Refuge to the Bureau of Land Management.

The Kofa refuge exchange is an obvious add-on because it has nothing to do with the purpose of the bill which is to enable the exchange of certain Federal and state lands.

We have been urged to support this bill in its entirety on the premise that language will be included that will provide for management of the 40,000 acres just like a refuge after it is transferred to BLM. We cannot support such a provision for two important reasons.

First, the language in section 7(b) of the bill is too vague to provide refuge quality protection. For example, there is no grazing ban in the bill.

Second, the Fish and Wildlife Service requires a compatibility test for any activity. The Bureau of Land Management does not. BLM has a broader, more consumptive constituency which will push for changes that will harm the New Water area, especially the bighorn sheep.

One example of probable change is the Crystal Hill area where long-term camping occurred, but was stopped by Fish and Wildlife because of impacts on bighorn sheep. There are thousands of people in a BLM long-term camping area west of the refuge, and many of these people have camped at Crystal Hill and would love to get back into the area.

If you wonder why we are skeptical of BLM's ability to protect the area, we need look only to the adjacent California desert. Short of wilderness, a national conservation area is the highest form of protection Congress can bestow on BLM lands. Yet, the Barstow to Vegas off-road vehicle race has been reinstated here in spite of demonstrated damaging effects to the environment. ORV users are part of BLM's constituency.

The Fish and Wildlife Service has demonstrated a commitment to Kofa resource protection.

BLM also fares poorly in appropriations compared with Fish and Wildlife. This would also affect BLM's ability to protect resources.

We also find the 40,000 acre Kofa refuge deletion unacceptable because of the continued taking and degrading of the refuge land base in western Arizona for non-refuge purposes. For one example, from 1964 through 1968, the Imperial Refuge north of Yuma lost 18 miles of river front and adjacent lands to BLM for recreation purposes and to the State of California for a state recreation area. This is or was high quality wildlife habitat, including habitat for the federal endangered Yuma Clapper Rail. It is now the site of intensive noisy boat traffic, jet skis, 4 by 4s and ATCs. The Imperial Refuge has had to close its waters to water skiing and declare backwaters no wake zones for boats because of the disturbance to wildlife. But BLM and California State Parks have not followed Fish and Wildlife's lead.

Removal of the 40,000 acre Kofa deauthorization will permit virtually unanimous support of this bill.

Thank you for the opportunity to address you today. I request that my more comprehensive written statement and four attached exhibits be made a part of the hearing record.

Senator WIRTH. Without objection, Mr. Meister. Thank you very much. Without objection, your statement and that of all the witnesses will be included in full in the record along with any additional material you think would be appropriate.

[The prepared statement of Mr. Meister follows:]

STATEMENT OF
CARY W. MEISTER,
EXECUTIVE COMMITTEE, ARIZONA WILDERNESS COALITION,
AND PRESIDENT, YUMA AUDUBON SOCIETY,

BEFORE

THE SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS, AND FORESTS
OF THE COMMITTEE ON
ENERGY AND NATURAL RESOURCES,
UNITED STATES SENATE,

AUGUST 4, 1988

Mr. Chairman, my name is Cary Meister and I represent the Executive Committee of the Arizona Wilderness Coalition, of which I am a member, as well as the 100 members of the Yuma Audubon Society in Yuma, Arizona. I am President of the latter organization.

I welcome the opportunity to testify before you today because I feel so strongly in both directions about the proposed legislation, S. 2352. On one hand, there should be no question that the bulk of this bill should be enacted into law. It represents the culmination of diligent labor by the entire Arizona Congressional delegation, especially Senator DeConcini and Congressman Udall, as well as some of Arizona's most creative public land managers--State BLM Director Dean Bibles, Fish & Wildlife Service Regional Director Mike Spear, and Arizona State Land Commissioner Jean Hassell.

But the broad base of support for the core of this bill--the original Santa Rita exchange concept--should not be allowed to carry with it a most harmful and undesirable provision that would transfer approximately 40,000 acres of the Kofa National Wildlife Refuge to the Bureau of Land Management. As our colleagues from the Sierra Club have told you, this Kofa Refuge exchange provision was not part of the original Santa Rita exchange concept as presented by BLM.

The Kofa Refuge exchange is an obvious add-on because it has nothing to do with the purpose of the bill, which is to enable the exchange of certain Federal and State lands. This would repay the Federal Government's land debt to the State of Arizona for land taken to construct the Central Arizona Project, and to put under Federal ownership existing State lands within the boundaries of the recently-established Buenos Aires National Wildlife Refuge and Catalina State Park. The necessity for the latter is Arizona's requirement, which goes back to the State's Enabling Act, that lands granted to the State by the United States Government for school purposes be managed so as to maximize revenue for education. By putting these State lands under Federal management, the wildlife refuge and state park will not face spiralling lease payments to the State. In return, the Federal Government will trade to the State the Santa Rita Experimental Range, which the State will then manage for research purposes.

As you can see, the whole point of the exchange is to facilitate public land management where the State and Federal Governments are now prevented from doing what they would like. The absence of any State land in the Kofa Refuge and the lack of any Federal land that would be transferred to the State in the Kofa Refuge demonstrate the irrelevance of the Kofa Refuge exchange to the bill.

We agree with the Wilderness Society that deleting the 40,000 acres from the

Kofa Refuge would set a serious precedent in that for the first time Congress would enable the removal of land and habitat from a National Wildlife Refuge when such land and habitat are essential to the purposes behind the establishment of the refuge. We realize that some have questioned the significance of this precedent, and if they still remain unconvinced of it, we ask them if this is not a precedent, then what is it? If not a precedent, it must have happened before and represents a continuing pattern. This is even worse than a precedent.

Regardless of whether you believe this to be a precedent or recurring pattern, it must be stopped. To delete part of a National Wildlife Refuge just so a utility can build a power line across it would send the wrong signal to utilities, miners, ranchers, off-road vehicle users, and long-term winter campers. It would declare open season on all of our National Wildlife Refuges. We have been told that BLM would administer the 40,000 acres just like a refuge. If that be the case, then why is it necessary to change the management agency? There is only one answer--to make it easier to build a powerline across the refuge by declaring it is no longer a refuge. BLM has indicated this by terming the powerline route through the Kofa Refuge "the most logical route for transmission lines and pipelines" (BLM's Arizona Public Lands Update, attached) and in a March 10, 1988 article in the Arizona Daily Star from Tucson (attached).

Yet in spite of the claims by the Department of the Interior, there is no need to decide right now which is the best route for Southern California Edison's powerline. Edison has already been denied a permit once by the California Public Utilities Commission. They have been able to get their application rescheduled, but even at the earliest, the powerline would not go into operation any sooner than 1993. There are many factors that could intervene between now and the completion of Edison's hearing before the California Public Utilities Commission, such as potential utilities mergers in California and Arizona which could make the powerline unnecessary.

To deauthorize part of the Kofa Refuge at this time just so a powerline can be built through it is premature and harmful. The Final Environmental Impact Statement on the powerline still has not been released. Deauthorizing part of the Kofa Refuge would be prejudicial to the National Environmental Policy Act impact review process. Even after the Final EIS is out and the California Public Utilities Commission decides the fate of Edison's application, the Arizona Power Plant and Transmission Line Siting Committee still would have to consider Edison's route within Arizona, where the bulk of the controversy exists.

The history of why the first Edison powerline went through the Kofa Refuge is important in understanding why a second should not. The Kofa route was chosen only after a long and contentious review process in which a memorandum from the Interior Solicitor's Office stated that a powerline could be found compatible with refuge purposes if building the powerline inside the refuge would better protect the resources for which the refuge was established, even if those resources are outside the refuge. However, the primary anticipated impact of construction of the powerline along a route outside the refuge was to a bighorn sheep lambing site at Scaddan Mountain. More detailed studies of the refuge route only later revealed that there was a bighorn sheep lambing site in the Livingston Hills the same distance from the powerline as would have occurred had the powerline been built outside the refuge along the Brenda route. To deauthorize the 40,000 acres is tantamount to Congress deciding to route the line across the refuge. This would compound the first error of putting a powerline across the refuge. Surely two wrongs don't make a right.

We have been urged to support this bill in its entirety on the premise that language will be included that will provide for management of the 40,000 acres just like a refuge after it is transferred to BLM. We cannot support such a provision for two important reasons.

First, the language in Section 7(b) of the bill which is intended to create a refuge clone adjacent to and from the Kofa Refuge is too vague and general to meaningfully create refuge-like management under BLM. We have seen harmful developments occur all too often under similar general language in numerous environmental assessments, environmental impact statements, and BLM Resource Management Plans. Nowhere, for example, is there an explicit ban on grazing of domesticated animals in the area, yet this was one of the major management problems for bighorn sheep until the cattle were removed. The refuge has documented this fact through numerous reports by government range conservationists and wildlife biologists and the environmental impact statement which ultimately led to the removal of cattle from the refuge.

We question neither the integrity nor sincerity of BLM personnel who say they will give special attention to bighorn sheep in this area. But our second objection to the argument that the area will be managed just like a refuge results from the legal and political framework within which the Bureau of Land Management operates. Other than Section 7(b), the proposed mineral withdrawal in Section 9, and the proposed wilderness for part of the New Water Mountains Section 8, the lands would be under the multiple use provisions of the Federal Land Policy and Management Act of 1976 as provided in Section 7(c) (and in Section 102 of FLPMA). On the other hand, under 16 USC 668dd, which governs the National Wildlife Refuge System, hunting, fishing, public recreation and accommodations, access in general, easements, and indeed any use of a refuge must pass a compatibility test that finds an activity consistent or inconsistent with the major purposes for which the refuge was established (16 USC 668dd(d)(1)). We have also attached a letter from Johanna Wald, Senior Attorney for the Natural Resources Defense Council, which further explicates differences between BLM and Fish & Wildlife Service management mandates which have resulted from some recent court decisions.

In addition to these differences in the legal framework defining the roles and goals of BLM and FWS, the two agencies have different political constituencies. BLM's is much more inclusive, reflecting its multiple use mandate. This constituency includes ranchers, small miners, large mining companies, off-road vehicle users, long-term campers in recreational vehicles, short-term tent campers and backpackers, bird watchers. plant enthusiasts, hang glider pilots, hunters, commercial plant harvesters, and beekeepers. We believe that in the long-run, and in spite of the honest intentions of the present BLM personnel in Arizona, the day will come when pressures from various elements in BLM's all-encompassing constituency will lead to changes that will harm the New Water Mountains area environment, and especially its sensitive bighorn sheep, if this area is transferred to BLM.

We will give two examples of such probable changes if the 40,000 acres is put under BLM administration. We believe that the clearer mandate for wildlife protection and the compatibility test that the Fish & Wildlife Service is governed by will make harmful changes to this area less likely under continued Fish and Wildlife Service management.

Before the Fish & Wildlife Service was granted total management of the Kofa Refuge by Congress in the mid-1970s, the area, then a Game Range, was managed jointly with BLM. Crystal Hill, which is included in the 40,000 acres that would be transferred to BLM by this bill, was a popular area for long-term winter camping, especially by so-called snowbirds from the West's northern states of Washington, Oregon, Idaho, Montana, and Wyoming, as well as from the Canadian provinces of British Columbia, Alberta, Saskatchewan, and Manitoba. When the Fish and Wildlife Service acquired total responsibility for the refuge, they ended the long-term camping because it was inconsistent with protection of the bighorn sheep and other wildlife. While not done with ill-intent, the winter visitors nevertheless were rockhounding and driving off-road vehicles into sensitive areas for bighorn sheep.

To the west of Crystal Hill and off the refuge, the area near Quartzsite, where Interstate 10 and U.S. 95 meet, also was and is a popular long-term camping area for snowbirds in recreational vehicles. Unless you have been in this area during the winter it is hard to comprehend the magnitude of cool season visitors in this area--there are thousands, mostly in RVs. Every winter Quartzsite sponsors a mineral show which attracts tens of thousands of visitors.

As a result of impacts and BLM's inability to enforce the 14-day camping limit on this many people, BLM set up a Long Term Visitor Area south of Quartzsite where long-term campers can pay about $25 to stay all winter and not violate the 14-day camping limit. Many of these people can remember camping all winter at Crystal Hill or have friends who did and who have told them about the place. They would love to get back into the area, as the attached newspaper clipping attests. BLM management of the Crystal Hill area will only make it easier in the long run for these people to press for reopening of the Crystal Hill area to long-term camping, in spite of its demonstrated adverse effects on bighorn sheep and other refuge resources. It should be noted that short-term camping is still permitted on virtually all of the refuge. Exceptions include such places as watering areas for wildlife.

As another example, off-road riders are constantly pressing to create more roads and vehicle trails on the Kofa Refuge. Part of this is a desire for off-road riding; another element is hunters who want to be able to drive anywhere in order to retrieve game. This is currently prohibited as the refuge is under wilderness study status and all vehicular travel is confined to designated routes.

Another example of what could happen more easily on the 40,000 acres already has occurred elsewhere. Short of wilderness, the highest level of protection Congress can bestow on BLM-administered lands is National Conservation Area status. The California Desert District of BLM has been designated by Congress as the California Desert Conservation Area. Yet in spite of this, an off-road vehicle race from Barstow, California to Las Vegas, Nevada was reinstated by BLM even though it has been shown to be harmful to the environment.

The Fish and Wildlife Service management of the Kofa Refuge, all the way from Director Mike Spear in the Regional Office in Albuquerque, to the Refuge Manager, to FWS field employees have all demonstrated in the past that they will resist these pressures that would harm the bighorn sheep and other resources for which the Kofa Refuge was established. In the long run, BLM has largely not been able to resist such pressures, in spite of the best efforts of many caring land managers and resource specialists, because of the diverse and conflicting nature of BLM's constituency.

A further reason we have for the conviction that this 40,000 acre area will fare better under Fish & Wildlife Service management than under BLM is clearly shown in a comparison of the budgets for the two agencies. The latest figures we have are for fiscal 1987. The Fish & Wildlife Service administers approximately 90 million acres as well as other responsibilities toward wildlife. Its budget was $674 million. Except for administrative expenses, virtually all of this goes for wildlife purposes. In comparison, BLM administers three times the land area of FWS (270 million acres) plus 300 million additional acres of minerals. BLM's budget to do all this was $717 million, only $43 million than FWS. Moreover, only slightly more than $16 million of this was allocated for wildlife habitat management. This is over a million dollars less than was appropriated for wild horse and burro management.

We also find the 40,000 acre Kofa refuge deletion unacceptable because of the continued taking and degrading of the refuge land base in western Arizona for non-refuge purposes. This part of Arizona is extremely fortunate in having five National Wildlife Refuges within several hundred miles of each other. Three straddle the Colorado River, which forms the boundary between Arizona and California. They are the Imperial, Cibola, and Havasu Refuges. In the desert are the Kofa and Cabeza Prieta Refuges.

But from 1964 through 1968, the Imperial Refuge, north of Yuma, lost six miles along both sides of the river and adjacent lands below the present refuge boundary to BLM for recreation purposes and six miles along the California side about halfway through the refuge to the State of California for the Picacho State Recreation Area. This is (or was) high-quality wildlife habitat, including habitat for the Federal Endangered Yuma Clapper Rail and the California-listed Yellow-billed Cuckoo. It was also the home of several species of fish on the Federal endangered list. This area is now the site of intensive, noisy boat traffic, jet skis, 4 x 4s, and ATCs/ATVs. The Imperial Refuge has had to close its waters to water skiing and declare backwaters no-wake zones for boats because of the disturbance to wildlife--but the BLM and California State Parks have not followed FWSs lead.

While the Cibola Refuge was established in 1964 with about 16,000 acres, this was on and adjacent to an area that was heavily dredged and channelled by the Bureau of Reclamation. The natural riverbed has dried up or become a series of fluctuating backwaters, depending on the level of the river. Much of the dredged and channelled area is quite sterile and cannot support vegetation except through fairly intensive revegetation projects, but there is only one that has been successful. This sterile habitat in no way makes up for that lost by the Imperial Refuge where the river flows in a natural and much more scenic channel.

On the Havasu Refuge in the area of Needles, California and Lake Havasu City, Arizona, a nearly 46,000 acre refuge was reduced to slightly over 22,000 acres within 16 years (1949-1965). Much of this was shoreline on Lake Havasu, the reservoir behind Parker Dam. This land went to the State of Arizona which then dedicated it to such purposes as intensive recreation, including an airport, resort, RV parks, and boat ramps. The refuge increased in size to 41,500 acres in 1968 when an upland area was added. While outstanding habitat, this upland area is qualitatively different from the riparian and lacustrine habitat in the 24,000 acres that was removed from the refuge. A later addition to this refuge brought in valuable riparian habitat along the Bill Williams River, an Arizona tributary of the Colorado. Indeed, this parcel contained some of the best remaining cottonwood-willow habitat in Arizona, and this type of habitat supports the greatest diversity of wildlife in a desert environment otherwise characterized by a limited amount of water. But then the Corps of Engineers released too much water for too long a time from a dam above this area for claimed flood control purposes. The river forest was destroyed. While regeneration of some areas has taken place, it has in no way returned to its former glory.

Finally, we emphasize that this bill is not the appropriate time or place to consider boundary changes for the Kofa Refuge. As others here today have shown, it makes much more sense to expand the Kofa Refuge north toward I-10 in order to create a cohesive unit under a unified management by one agency. The powerline issue is not so urgent that it need be addressed now. It may never need to be addressed, if the California Public Utilities Commission again denies Edison's application, if Edison decides not to build the powerline, or if the I-10 route is selected.

Part of the 40,000 acres in question are included in wilderness proposals for the Kofa Refuge developed by the Fish and Wildlife Service and by a coalition of environmental and outdoor-oriented organizations. But wilderness for the Kofa Refuge and adjacent BLM Wilderness Study Areas such as the New Water Mountains and Little Horn Mountains should be considered as a whole, not in the isolated way this bill proposes. Bighorn sheep and wilderness management and the uncertainty over whether Edison will actually build or be allowed to build another powerline all point to deferment of these issues for a more comprehensive wilderness act for Arizona, which our State's delegation has indicated it is committed to introducing.

Removal of the 40,000 acre Kofa deauthorization will permit virtually unanimous support of this bill and should allow it to pass without significant adverse comments.

Thank you for the opportunity to address you today.

Natural Resources
Defense Council

90 New Montgomery
San Francisco, CA 94105
415 777-0220

April 8, 1988

Senator Dennis DeConcini
United States Senate
Washington, D. C. 20510

Dear Senator DeConcini:

I am writing on behalf of the Natural Resources Defense Council (NRDC), a national environmental membership organization, in opposition to the proposed transfer of some 50,000 acres of land from the Kofa National Wildlife Refuge in Arizona, to the Bureau of Land Management (BLM). I understand that this proposal is included in draft legislation which also authorizes the exchange of certain lands between the BLM and the State of Arizona. I further understand that the BLM-State exchange has garnered widespread support of local environmental and conservation organizations. NRDC joins them in urging you to oppose only the proposed transfer of lands out of the National Wildlife Refuge System to the Bureau. In what follows, I set out our reasons.

First, originally established principally to protect desert bighorn sheep, the Kofa Refuge possesses outstanding wildlife and floristic values. Particularly at a time of increasing need for the protection of such values, it simply makes no sense to transfer lands out of the Refuge System in order to accommodate commercial development such as the powerline BLM believes should be routed through the Kofa Refuge. This is especially so when the application for that powerline has been disallowed by an administrative law judge.

Second, it also makes no sense to transfer jurisdiction of the lands in question from the Fish & Wildlife Service (F&WS) which is required to manage them as a refuge to an agency which merely promises to do so. The statutes which govern the administration of wildlife refuges are, in fact, more stringent than the Federal Land Policy and Management Act (FLPMA), which governs the BLM's management of publicly-owned lands. See, e.g., Schwenke v. Secretary of the Interior, 720 F.2d 571 (9th Cir. 1983) (livestock

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NYS: 212 687-6862

grazing must be subordinated to wildlife protection); Defenders of Wildlife v. Andrus, 455 F. Supp. 446 (D.D.C. 1978) (same for recreational uses); NRDC v. Hodel, 624 F. Supp. 1045, 1058 (D.Nev. 1985) (FLPMA's management provisions 'breathe[] discretion at every pore').

Moreover, the F&WS has proven its commitment to protection of the wildlife resources of the Kofa Refuge by, for example, phasing out all domestic livestock grazing to eliminate competition for forage and water, and to prevent the spread of disease to bighorns. In contrast, the BLM's historic land management record has been condemned at least implicitly by Congress, see, e.g., 43 U.S.C. § 1751(b)(1), while its current record was explicitly condemned only recently by the United States General Accounting Office, see "Restoring Degraded Riparian Areas on Western Rangelands," Statement of James Duffus III, Associate Director, before the Subcommittee on National Parks and Public Lands, Committee on Interior and Insular Affairs, House of Representatives.

Finally, it bears emphasis that Congress has already rejected the notion that BLM should manage this particular wildlife refuge as well as others. Thus, in 1975, when the then-Secretary of the Interior proposed to give the BLM jurisdiction over what were then called the Kofa, Sheldon and Charles M. Russell Game Ranges, a storm of controversy erupted and Congress enacted legislation providing for their administration by the F&WS. Introduction of a bill to amend that legislation would surely provoke a similar controversy.

In conclusion, on behalf of NRDC, I urge you to oppose the transfer of any lands from the Kofa Refuge to the BLM. Thank you for your consideration of our views.

Sincerely,

Johanna H Wald

Johanna H. Wald
Senior Attorney

cc: Representative Morris Udall

Campsite is put out to pasture

By Bob Thomas
The Arizona Republic

Bob Thomas/The Arizona Republic

Al and Aileen Mote, winter visitors from Montana, enjoy the Crystal Hills area, but say the U.S. Fish and Wildlife Service is trying to force them to another campsite.

CRYSTAL HILLS — It's a little sad to see the campground that once drew snowbirds and other visitors to the Kofa Mountains.

There's not much there anymore except for the turnouts for truck campers and motor homes.

There is almost no trash and litter, and most turnouts are outlined neatly by rock borders, evidence of a work ethic among snowbirds.

Two of the few campers recently at Kofa National Wildlife Refuge's Crystal Hills campground were Al and Aileen Mote of Helena, Mont.

"We come down here nearly every year," said Aileen, who does most of the talking because Al suffered a stroke last year. "Al likes it down here because the winters are warm, and we both like to camp out.

"It used to be real nice here, and a lot of people liked to come up and camp for a time. People would leave paperback novels under the tree out there for others to borrow and read, a kind of revolving library.

"There were picnic tables and cooking grills, garbage cans, two toilets, a sewage dumping station and a nice water trough in an old corral that was used by deer and sheep and birds and even by people.

"But the U.S. Fish and Wildlife Service took the water trough and the corral out because they said they wanted everything to go back to nature. Then they took out the grills and the tables and the toilets. And they took the sewage dump out, too.

"The Fish and Wildlife people put in that metal water tank you can see over there, where the water trough was, but there's a warning sign on it that says not to drink the water. I don't know what the wildlife does for water. Go somewhere else, I expect."

The Motes believe that the Fish and Wildlife Service is attempting to force them to camp at the La Posa campground, run by the Bureau of Land Management, 15 miles away in the valley near Quartzsite.

Milton Haderlie, manager of the refuge, said the service wants to discourage campers from using Crystal Hills because a study has determined that it is in a corridor used by desert bighorn sheep.

"If you use the term 'squeezing them out,' that may be right," Haderlie said. The agency, he added, has no plans to build camping areas and would prefer that long-term campers use the BLM campground.

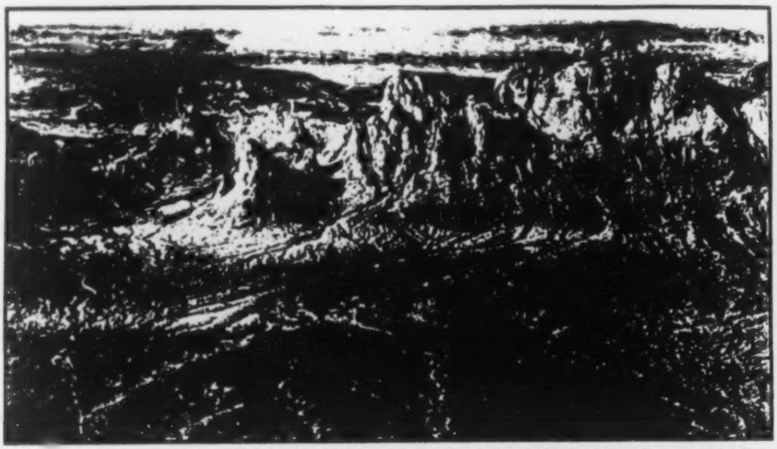
Crystal Hills, named after the low, rocky outcroppings peppered with small deposits of crystal-laden rock, is the only high ground along the road and thus a magnet for campers.

In past years, rockhounds and snowbirds have enjoyed poking around the small but rugged hills in search of crystals.

The road to Crystal Hills was made when a pipeline and high-tension power lines were put in along a corridor that cuts across the northern edge of the Kofa National Wildlife Refuge. The route is on mostly flat land miles from the Kofa Mountains, the heart of the refuge.

Haderlie said there is no ban against camping in the Kofas, and visitors can camp anyplace within the refuge for up to two weeks at a time.

There is some hope for Crystal Hills campers: This part of the Kofa refuge, because it is so far removed from the mountains, the principal range of desert bighorns, may be turned over to the BLM if a multiple-agency swap of federal and state land is approved by Congress. Currently, the deal is wending its way through House subcommittees.



Careful, multiple-use management allows land use managers to consider economic growth while looking to the future in preserving wildlife, recreation and other values.

Boundary shift benefits management

An integral part of the Santa Rita Exchange proposal is the transfer of 47,845 acres of land within the Kofa National Wildlife Refuge (NWR) in southwestern Arizona to the Bureau of Land Management (BLM).

Changing the administration of this land from the U.S. Fish and Wildlife Service (FWS) to the BLM will resolve a very critical issue. It will place an existing energy transmission line, other rights-of-way and several areas recommended for wilderness under the management of BLM, which is charged with a multiple-use mission. However, the management of this land under BLM's administration will remain the same as it has been under the FWS. For example, the area will remain closed to mining and grazing. Also, the wilderness recommendations made by the FWS prior to this proposal will continue to be considered for designation.

Specifically, this transfer of land will remove the conflicts the FWS faces with managing the energy corridor.

The corridor has been in place more than 40 years. It is used by four underground pipelines and one overhead 500 kilovolt powerline that carries power from the Palo Verde Nuclear Generating Station near Phoenix to Palm Springs, California. A second powerline which would parallel the first is proposed.

The present overhead line was approved by a former Secretary of the Interior after a BLM environmental impact statement indicated the route through the wildlife refuge would cause less resource damage than an alternate route outside the refuge. The route through the refuge was supported by the Arizona Game and Fish Department (AGFD), the National Wildlife Society, the Arizona Desert Bighorn Sheep Society and others.

Since the energy corridor first was approved, there has been concern over the impacts of the transmission lines on the two desert bighorn sheep herds established in that part of the refuge and north on BLM land. Environmental studies indicate that these herds are not impacted and have progressed successfully.

Along with managing the energy corridor, BLM's wildlife habitat management expertise will ensure that the bighorn sheep and other wildlife on the transferred refuge land will be protected and maintained under BLM's cooperative management agreement with the AGFD. Since 1980, BLM has transplanted more than 400 desert bighorn sheep on over 200,000 acres of historical habitat in Arizona in cooperation with the AGFD, the Arizona Desert Bighorn Sheep Society and others.

Because of Arizona's growing energy needs, BLM's resource management plans for the areas adjacent to the Kofa NWR identified a transportation and utility corridor that ties into each end of the existing corridor through the Kofa NWR. This corridor already has been established as the most logical route for transmission lines and pipelines and has the least impact on wildlife and other resource values. Even so, the BLM plans designated another corridor north and outside of the refuge in an effort to provide alternatives for additional future needs.

Another very important part of the proposal is the transfer of 16,520 acres of BLM land into the National Wildlife Refuge system as part of the Kofa NWR. Three BLM wilderness study areas adjacent to the

Continued On Page 8

The Santa Rita Exchange at a glance

About a year ago, Arizona's congressional delegation asked the Bureau of Land Management to help resolve problems affecting several state and federal agencies. Now, following a year of intense negotiations to resolve those problems in a manner that would satisfy all parties concerned, an intricate balance has been struck in which all federal and state agencies involved will come out winners.

Federal and state agencies involved in the Santa Rita Exchange include the U.S. Bureau of Reclamation, the U.S. Forest Service, the U.S. Fish and Wildlife Service, the Arizona State Parks Board, the Arizona State Land Department and the Bureau of Land Management (BLM). Since BLM does not need legislation to effect an exchange for lands coming to it in this effort, its primary involvement has been as a facilitator of the exchanges and other actions between the various parties.

Because all of the land that the State of Arizona will receive in the exchange is affected by the National Wildlife Federation lawsuit, which challenges BLM's authority to revoke withdrawals on public land, Congress must pass legislation to lift these withdrawals before the exchange can be completed. Sen. Dennis DeConcini, D-Ariz., has taken the lead for the Arizona congressional delegation in drafting legislation to accomplish the complex exchange and administrative adjustments.

The proposed land exchanges, administrative changes and boundary adjustments will allow each agency to better accomplish its goals and provide future benefits for all Arizona residents in the areas of research and education, recreation, economic growth and development, wildlife resources, cultural resources, and other water and land-related resources.

Here are the major features of the proposal at a glance:

• Transfer the 51,000-acre Santa Rita Experimental Range south of Tucson to the Arizona State Land Department. This will continue to be managed by the University of Arizona for ecological and range research.

• Repay the State of Arizona for the remaining debt for 12,000 acres of state trust land taken south of Tangerine Road for constructing the Central Arizona Project (CAP) canal and for the New Waddell Dam by the Bureau of Reclamation.

Advantages for everyone

√ **Improve efficiency of land & water management**

√ **Further research & educational opportunities**

√ **Enhance recreation opportunities**

√ **Protect & Foster wildlife values**

√ **Protect unique cultural resource values**

√ **Aid economic growth**

• Transfer the 5,492-acre Catalina State Park north of Tucson to the U.S. Forest Service. (The park, however, will continue to be managed as a state park under a cooperative agreement.)

• Transfer 91,300 acres of state trust land within the Buenos Aires National Wildlife Refuge to the U.S. Fish and Wildlife Service.

• Transfer 60,000 acres of state trust land on Perry Mesa to BLM to manage the outstanding remains of Pueblos dating from 1200-1400 A.D. and other multiple use values.

• Transfer 16,000 acres of state land north of Lake Pleasant to BLM for multiple resource management and to expand the regional park surrounding Lake Pleasant.

• Solve a management problem for the U.S. Fish and Wildlife Service by moving the boundary of the Kofa Wildlife Refuge south of the energy corridor. The lands north of this boundary, 47,845 acres, will be managed by BLM for its wilderness, wildlife and energy corridor values.

• Add 16,500 acres of BLM land adjoining the Kofa Wildlife Refuge to the refuge for administration by the U.S. Fish and Wildlife Service.

• Adjust the boundary of the Cabeza Prieta Wildlife Refuge to include the Tinajas Atlas Mountains within the refuge and enlarge the refuge by 80,497 acres. The refuge will be operated under an agreement between the military and the U.S. Fish and Wildlife Service.

• Transfer approximately 320 acres of Bureau of Reclamation withdrawn BLM land to the state in the Red Mountain area lying near the confluence of the Salt and Verde Rivers east of Phoenix. This will provide an opportunity for solving the Pima Outer Loop issue.

• Withdraw lands within the Coronado National Forest to use as an administrative site for the Rocky Mountain Forest and Range Experimental Station and the University of Arizona.

• Add the 520-acre Madera-Elephant Head trailhead and the 1,350-acre Arivaca Lake properties to the Coronado National Forest in southern Arizona.

• Adjust the boundary of the Coronado National Forest adjoining the Appleton-Whittell Research Ranch to complete a 1962 Forest Service land action.

• In addition to the transactions listed above, the state will receive 2,457 which lie along the Colorado River within the Havasu and Imperial National Wildlife Refuges.

Refuge fight jeopardizes land swap

BLM plan tied to exchange called threat to bighorns

By Keith Bagwell
The Arizona Daily Star

A fight brewing over plans to shrink a wildlife refuge near Yuma threatens to scuttle a proposed swap of Arizona and federal land near Tucson, environmentalists said yesterday.

Four environmental groups said they will fight a federal plan to lop 48,000 acres off the Kofa National Wildlife Refuge even though the plan is tied to the proposed Santa Rita Experimental Range land swap, which they favor.

The U.S. Bureau of Land Management wants part of the Kofa refuge, which is desert bighorn habitat, for an electric power line to California or other potential utility line projects, said Dean Bibles, Arizona BLM director.

Environmentalists said the power line would threaten the survival of desert bighorn sheep in the Kofa refuge.

Bibles said the proposal to give the Kofa acreage to the bureau will be part of a bill in Congress to swap state land for the 53,000-acre Santa Rita Experimental Range south of Tucson.

The Interior Department presented a draft of the bill to Sen. Dennis DeConcini, D-Ariz., who was asked to submit the measure.

Federal agencies and the state

See WILDLIFE, Page 6A

March 10, 1988

Wildlife

Continued from Page One

Land Department have proposed swapping 150,000 acres of state land for the Santa Rita Range.

The state would include the 5,500-acre Catalina State Park, which is threatened by development, and 80,000 acres in the 110,000-acre Buenos Aires National Wildlife Refuge.

Catalina Park is just north of Tucson and Buenos Aires is southwest of the city, near Sasabe.

Under the bill, the bureau would give the U.S. Fish and Wildlife Service 80,500 acres for the 860,000-acre Cabeza Prieta National Wildlife Refuge southeast of Yuma, Bibles said.

He said the BLM would get 47,845 acres of the 660,000-acre Kofa refuge for a 500-kilovolt power line to Palm Springs, Calif., from the Palo Verde Nuclear Generating Station near Phoenix.

The Sierra Club, the Wilderness Society, Defenders of Wildlife and the Yuma Audubon Society will fight the Kofa proposal, spokesmen said.

"The Kofa cut will meet delay and opposition, something we cannot afford if we're to save Buenos Aires and Catalina State Park in a timely way," said Rob Smith, the Sierra Club's associate Southwest representative.

A 500-kilovolt power line installed in 1979 already runs through the Kofa refuge from the Palo Verde nuclear plant to Palm Springs, and another one will not disturb bighorn sheep that range across the line, Bibles said.

Bill Reffalt of the Wilderness Society, a Fish and Wildlife Service official from 1963 to 1984, disagreed. He said a second overhead power line would double the utility corridor width and maintenance needs.

Fish and Wildlife opposed
1979 line, he said, "and the jury still out on its effects on the shee
Power lines through the Kofa ref
"are incompatible with bighorn
Reffalt said. "To me, two wro
can't make a right."

Michael Spear, Southwest
gional director for Fish and Wildl
said his agency opposed the
posed second power line and wan
the Kofa range expanded to
north until he talked to Bibles
fall.

Spear said he would agree to
up the Kofa acreage in exchange
the addition to Cabeza Prieta.

Spear said Fish and Wildlife
would prefer to have a utility co
dor outside the present Kofa ref
near Interstate 10, where the bure
proposes one as part of its N
Waters Mountains Wildern
Study.

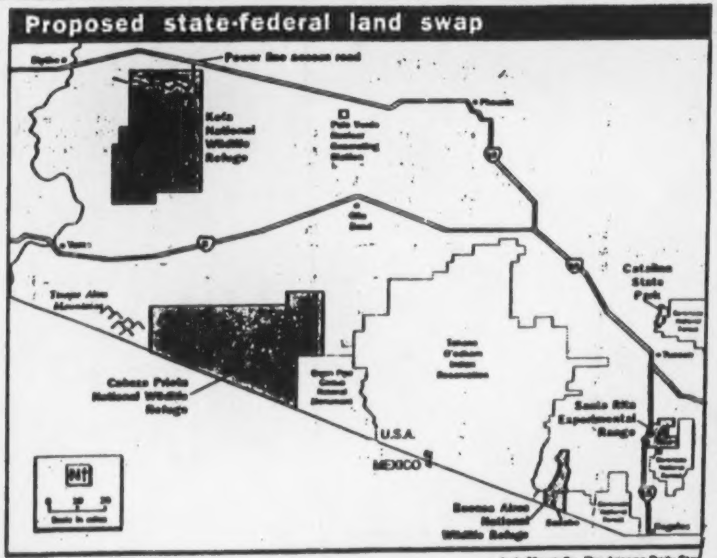
Bibles said the bureau expects
ture plans for east-west utility lin
creating a need for both corridor

The proposed Cabeza Prieta ad
tion would include the Tinajas Al
Mountains, a bighorn habitat, Sp
said. It is also part of the Barry
Goldwater Air Force Range, wh
the Marine Corps uses, he said.

Military use of the land wo
need to be restricted if it beca
part of the refuge, he said.

Arizona's congressmen are
meet with Bibles, Spear and st
Land Department officials Wedn
day in Washington to discuss
land swap plans, officials said.

Proposed state-federal land swap


Proposed state-federal land swap
Power line access road
Kofa National Wildlife Refuge
Palo Verde Nuclear Generating Station
Phoenix
Yuma
Gila Bend
Tinajas Altas Mountains
Cabeza Prieta National Wildlife Refuge
Tohono O'odham Indian Reservation
Catalina State Park
Tucson
Santa Rita Experimental Range
U.S.A.
MEXICO
Buenos Aires National Wildlife Refuge
Sasabe
Nogales
0 10 20
Scale in miles

Judy Margolis, The Arizona Daily Star

Senator **Wirth**. Mr. Turner?

STATEMENT OF DALE S. TURNER, CONSERVATION CHAIR, RINCON GROUP, SIERRA CLUB

Mr. **Turner**. Mr. Chairman, thank you.

I am Dale S. Turner, Conservation Chair of the Sierra Club's Rincon Group in the Tucson area. I address the committee today on behalf of over 2,700 members in the Tucson area and also on behalf of the Grand Canyon Chapter with 6,000 members statewide.

As an organization with conservation and recreation interests, we have mixed feelings about the legislation before you, S. 2352. We are pleased to see the Santa Rita exchange moving ahead. It is a process that will bring much needed protection to a number of important areas in southern Arizona. BLM State Director Dean Bibles, State Land Commissioner Jean Hassell, Fish and Wildlife Service Regional Director Mike Spear deserve a lot of credit for having cooked up a deal that secures the future of Catalina State Park, Buenos Aires National Wildlife Refuge and the Santa Rita Experimental Range. In January of this year, the Rincon Group and the Grand Canyon Chapter officially endorsed that package, along with the other state and Federal exchange elements.

In February, however, a bug fell into this pleasant soup, and we ask your help in getting it out. I'm referring to the unrelated, unnecessary and inappropriate removal of some 40,000 acres from the Kofa Wildlife Refuge.

This transfer is unrelated to the rest of the package as it has nothing to do with balancing state and Federal interests, being only a shift from one Federal agency to another.

This transfer is unnecessary since it serves no clear purpose that we have seen, solving only an unspecified management problem. The presence of the refuge does not preclude construction of a new power line either along the existing corridor or along the much less damaging and preferable to us I-10 corridor. This bill does include management language to protect wildlife in the region, but such protection cannot match the existing mandate of the Fish and Wildlife Service. Indeed, it appears that this bill will strip away the existing mineral withdrawal of lands in areas that have been proposed by the Fish and Wildlife Service for addition to the refuge.

This transfer is also inappropriate in the Santa Rita exchange because it deals with several proposed wilderness areas. We support wilderness designation for the New Water Mountains, as this bill would establish, but we feel the New Waters should be considered as part of a more complete package that includes the rest of the Kofa and other adjacent BLM wilderness study areas.

I would also like to note that it was stated earlier that the I-10 corridor is not available for a new power line. That is because it is currently in wilderness study area status. As this bill would establish the New Water wilderness, as BLM has supported a New Water wilderness and as conservationists in Arizona have supported a New Water wilderness, the boundary of that wilderness area would be pulled south sufficiently to allow a corridor along Interstate 10. So, that is a viable option.

In summation, we are glad to support legislation that protects some important pieces of land in Arizona. We cannot see the sacrifice of a distant national wildlife refuge as a required tradeoff. We urge you to support the approach of Congressman Udall in establishing only the heart of this exchange.

Thank you.

[The prepared statement of Mr. Turner follows:]

SIERRA CLUB

Grand Canyon Chapter · Arizona
RINCON GROUP

TESTIMONY OF DALE S. TURNER, SIERRA CLUB, BEFORE THE PUBLIC LANDS, NATIONAL PARKS AND FORESTS SUBCOMMITTEE OF THE SENATE ENERGY AND NATURAL RESOURCES COMMITTEE ON S. 2352, THE SANTA RITA PUBLIC LANDS EXCHANGE PROPOSAL

AUGUST 4, 1988

Mr. Chairman, I am Dale S. Turner, Conservation Chair of the Sierra Club's Rincon Group. I appreciate the chance to address this committee on behalf of the 2,700 Sierra Club members in the Tucson area. Today I also represent the Grand Canyon Chapter, with over 6,000 members statewide.

As a group with both conservation and recreation interests, we have mixed feelings about the legislation before you, S. 2352. We are pleased to see movement on the Santa Rita Exchange, a process which will bring much-needed protection to a number of important resources in southern Arizona. BLM State Director Dean Bibles, Arizona State Land Commissioner Jean Hassell, and Fish and Wildlife Service Regional Director Mike Spear deserve much credit for having cooked up a deal that secures the future of Catalina State Park, the Buenos Aires National Wildlife Refuge, and the Santa Rita Experimental Range. In January of this year, the Rincon Group and the Grand Canyon Chapter officially endorsed that package, along with the other state/federal exchange elements.

In February, however, a bug fell into this pleasant soup, and we ask your help in getting it out. I'm referring to the unrelated, unnecessary, and inappropriate removal of some 40,000 acres from the Kofa National Wildlife Refuge.

This transfer is unrelated to the rest of the package as it has nothing to do with balancing state and federal interests, being only a shift from one federal agency to another.

This transfer is unnecessary since it serves no clear purpose that we have seen, solving only an unspecified "management problem." The presence of the Refuge does not preclude construction of a new powerline, either along the existing corridor or along the much less damaging Interstate 10 corridor. While documents from the Refuge managers indicate that the existing powerline has caused some problems for bighorn populations along its route, we've seen nothing that shows BLM management of the area would improve that situation. The bill does include management language to protect wildlife in the region, but such protection cannot match the existing mandate of the Fish and Wildlife Service. Indeed, it appears this bill will strip away the existing mineral withdrawal of lands in areas that have been proposed by the Fish and Wildlife Service for addition to the refuge.

This transfer is also inappropriate in the Santa Rita Exchange because it deals with several proposed wilderness areas. We support wilderness designation for the New Water Mountains, as this bill would establish, but we feel the New Waters should be considered as part of a more complete wilderness package which includes the rest of the Kofa and the other neighboring BLM Wilderness Study Areas.

In summation, we are glad to support legislation that protects some important pieces of southern Arizona, but cannot see the sacrifice of a distant National Wildlife Refuge as a required tradeoff. We urge you to support the approach of Congressman Udall in establishing only the vital heart of this exchange.

Senator **Wirth**. Thank you very much, Mr. Turner.

Mr. Babbitt?

STATEMENT OF CHARLES J. BABBITT, PRESIDENT, MARICOPA AUDUBON SOCIETY

Mr. **Babbitt**. Mr. Chairman, on behalf of three Arizona Audubon Societies I would like to state here this afternoon that we think this is a very splendid package except for that aspect of it dealing with the Kofa deletion.

In 1975 when joint management of the Kofa National Wildlife Refuge was terminated, the area was placed under the exclusive jurisdiction of the Fish and Wildlife Service. At that time years of neglect, lack of management and conflicting land policies also ended and good things began to happen on the Kofa. There was considerable improvement on that land after 1975. And we would suggest that by deauthorizing these 40,000 acres, you are in fact penalizing the Fish and Wildlife Service for doing a good management job.

Instead of deleting refuge land, we would urge you, Mr. Chairman, to extend the Kofa's boundary northward toward I-10 to include the New Water Mountains which contain valuable bighorn sheep habitat. There is substantial sheep migration between the New Water Mountains and the Kofa refuge. Expanding the refuge boundary would block up this important habitat and bring it under unified management. This boundary extension has been previously proposed by the Fish and Wildlife Service.

Passage of Senate Bill 2352 with the Kofa land deletion will put Congress' imprimatur on construction of the Palo Verde-Devers 500 KV transmission line through the refuge. This should not be permitted for many reasons including adverse impacts to the bighorn sheep population and the existence of a preferred power line corridor to the north along Interstate 10.

To follow up on what my friend to my right said, Mr. Chairman, Mr. Spear was talking here earlier about they did not have a power corridor to the north along Interstate 10. This bill will give them that power corridor because it will pull back the northern boundary of that BLM proposed wilderness area and permit a power corridor to go through there. That power corridor has been used extensively since 1980 as the approved routing for a number of transmission and other types of lines, and I have spelled those out with specificity in my written statement.

In conclusion, we believe that proper routing of the Palo Verde-Devers 500 KV transmission line and future utility lines along the I-10 corridor will not only prevent additional adverse impacts to the Kofa's biotic communities, but will obviate any need whatsoever for deauthorization and transfer of these 40,000 acres of refuge land. We strongly urge deletion of that section from an otherwise extraordinarily beneficial piece of legislation.

Thank you.

[The prepared statement of Mr. Babbitt follows:]

Maricopa Audubon Society
4735 NORTH 53RD STREET • PHOENIX, ARIZONA 85018

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Mr. Chairman:

On behalf of the Maricopa Audubon Society, the Prescott Audubon Society and the Northern Arizona Audubon Society, I wish to thank you for this opportunity to address the committee regarding Senate Bill 2352.

At the outset let me say that we strongly endorse, with one exception, this entire legislative package.

We are particularly pleased with those sections of the bill which will transfer some 91,000 acres of state trust lands within the Buenos Aires National Wildlife Refuge to the U.S. Fish and Wildlife Service and which will transfer approximately 6,000 acres of state trust land at Catalina State Park to the Coronado National Forest. These and other land exchange provisions will secure and hopefully ensure the continued survival of two priceless natural areas within our state.

We are, however, strongly opposed to that one part of Senate Bill 2352 which would transfer to the Bureau of Land Management approximately 40,000 acres within the Kofa National Wildlife Refuge.

In 1975, when joint management of the Kofa National Wildlife Refuge was terminated and the area was placed under the exclusive jurisdiction of the Fish and Wildlife Service, years of neglect, lack of managment and conflicting land policies also ended and good things began to happen on the Kofa. Over the next several years, cattle and wild burros were removed from overgrazed refuge lands. Long term recreational vehicles which were becoming a threat to wildlife were removed from the Crystal Hill area. The refuge was competently policed and managed and as a result it now supports a thriving bighorn sheep population whose existence is one of the major reasons for establishment of the Refuge in 1939. By deauthorizing 40,000 acres of the Kofa Refuge the bill will, in effect, penalize the Fish and Wildlife Service for doing a good management job.

Instead of deleting Refuge land, we strongly urge extension of the Kofa's boundary northward toward I-10 to include the New Water Mountains which contain valuable bighorn sheep habitat. There is substantial sheep migration between the New Water Mountains and the Kofa Refuge. Expanding the Refuge boundary would block up this important habitat and bring it under unified management. This boundary expansion has been previously proposed by the Fish and Wildlife Service.

Passage of Senate Bill 2352 with the Kofa Land deletion will put Congress' imprimatur on construction of the

Palo Verde-Devers 500 KV Transmission line through the Refuge. This should not be permitted for many reasons including adverse impacts to the bighorn sheep population and the existence of a preferred power line corridor to the north along Interstate 10.

We believe that the impact of a second powerline through the Refuge is still very much open to debate. In arguing against the northern I-10 route for its transmission line and in favor of the Kofa route, Southern California Edison Co. cited impacts to the bighorn sheep lambing area at Scadden Mountain. This argument ignores the fact however, that there are equally serious impacts to a lambing area at Livingston Hills along the Kofa Route. (This lambing area was discovered after construction of the first power line through the Refuge.) The Fish and Wildlife Service has stated that in its opinion the verdict is still out with regard to impacts of the first powerline and it goes without saying that the verdict is still out with regard to the cumulative impacts of a second power line. With proper siting, according to the Fish and Wildlife Service, the Scadden Mountain I-10 impacts can be avoided.

In addition to these power line impacts, we remain extremely concerned about future grazing problems in the event this land is deauthorized. As previously noted, it was only after great struggle and only after scientific studies demonstrated food competition between bighorn sheep and cattle and the potential for disease transmission between animals that grazing was finally eliminated from the Kofa. Nothing in the Senate Bill guarantees that grazing will not again be permitted on these deauthorized lands. We cannot assume that the present enlightened B.L.M leadership will survive future changes in administrations and public land policies.

It is our earnest conviction that biotic and economic considerations argue strongly for utilization of the I-10 utility corridor rather than the Kofa route. The Kofa route will result in a shortcut of only 5 miles out of a total of some 238 miles and a savings of only 10-15 million dollars or roughly 2% of the total cost of the project to the utility. It is important to note that since construction of the 500 KV powerline through the Refuge in 1981, no new utility lines have been added. On the other hand, the northern I-10 route, which is a B.L.M approved utility corridor has seen the addition of several utility lines since 1980 including: two fiberoptic telephone lines (Sprint and AT&T) completed in the last 2 years, the all American Crude Oil Pipeline completed in 1987, the Pacific Texas Crude Oil line (authorized in 1988) and one small above ground 12 KV powerline.

In conclusion, we believe that proper routing of the Palo Verde-Devers 500 KV Transmission line and future utility lines along the I-10 corridor will not only prevent additional adverse impacts to the Kofa's biotic communities but will obviate any need whatsoever for deauthorization and transfer of these 40,000 acres of refuge land. We strongly urge deletion of that section from an otherwise extraordinarly benefical piece of legislation.

Charles J. Babbitt
President
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Phoenix, Arizona 85018
(602) 840-1772

Senator **Wirth**. As I understand this, we are being asked to authorize the transfer in this Kofa piece of land for land which is in a wildlife reserve. Is that right?

Mr. **Babbitt**. That is correct.

Senator **Wirth**. A wildlife refuge to Mr. Burford's agency. Is that right?

Mr. **Babbitt**. That is correct, to the BLM.

Senator **Wirth**. Give me a sense of history of Burford and the BLM managing the interests of the wildlife reserve.

Mr. **Babbitt**. Well, before 1975 there was joint management on the Kofa. And there was a continual problem over those years, a tremendous problem with grazing, ORV——

Senator **Wirth**. How well have these guys done in the last few years?

Mr. **Babbitt**. Since 1975, since the refuge was turned over to the Fish and Wildlife Service, the Kofa has been very extremely and competently managed. And I would say——

Senator **Wirth**. How does that compare with BLM's record overall in managing for the kind of wildlife values that Fish and Game would be managing for?

Mr. **Babbitt**. I can say that in Arizona the Bureau of Land Management is doing a very good job in some areas managing for wildlife values on San Pedro and whatnot, but we believe the Fish and Wildlife on the Kofa has a specific mandate to manage for these bighorn sheep. The constituency of the BLM is much broader historically, presently, and I would dare say into the future under future administrations, future land policies, they will be much more subject to cattle grazers, miners, ORV people and that whole gamut of people that BLM has traditionally responded to, Mr. Chairman.

Senator **Wirth**. Do any of the others of you have any comments on that? I am always curious when you have something that is being well protected I gather. Everybody agrees that what the Fish and Wildlife Service has done in the reserve area has been pretty good. Is that right? I mean, nobody disagrees with what has gone on since 1975. Is that right?

Mr. **Babbitt**. That's correct.

Senator **Wirth**. And there is, however, disagreement on how well BLM managed this before and how well their record might be projected in the future. Is that right? And that's the issue.

Mr. **Meister**. Mr. Chairman, if I could address that issue just a little bit more.

I think it is important also to point out that the Fish and Wildlife Service opposed construction of the first power line through the refuge. It was only the Interior Solicitor's Office that enabled the construction of that power line to occur. The refuge people found that it was incompatible.

Senator **Wirth**. This is the current Interior Solicitor's Office?

Mr. **Meister**. No, this was in 1979 when the first power line was constructed.

The Fish and Wildlife Service found that power line incompatible with refuge purposes. The solicitor overruled that. The only reason why that power line was constructed based on the solicitor's opinion was that they thought—well, maybe not the only reason, but perhaps the most significant reason was they thought that building a power line along the route we are now supporting would come within less than a mile of a lambing area for bighorn sheep. What they did not know at the time that power line was constructed was that the present power line comes within the same distance of a lambing area for bighorn sheep. Had that been known, I doubt that the power line would have gone through the refuge.

Senator WIRTH. Do you have any comments on this, Mr. Hassell? You all deal with these agencies.

Mr. HASSELL. Yes, Mr. Chairman. I appreciate the opportunity to make a comment.

Arizona's state government has taken a look at this part of the discussions over the Santa Rita bill. And while it deals with pretty much a Federal objective, adjustments in the wildlife refuges, we have come to the conclusion that regardless of which agency winds up managing the 42,000 acres on the north end of the Kofa, the on-the-ground management is going to be about the same. There can't be grazing on that area without another act of Congress. There is no grazing there now, and the Wilderness Act does not permit grazing there where it wasn't established at the time of inclusion into the wilderness.

So, we don't want to take sides in this debate, but we think that either way it is going to be managed about the same way. We do have a strong concern that this debate over principles not negate or depreciate the great opportunity that we have in the Santa Rita proposal to achieve some very important state and Federal objectives elsewhere in Arizona.

Senator WIRTH. If the Kofa doesn't go in, what happens to the bill?

Mr. HASSELL. Well, I would have to defer to the Department of the Interior on that.

Senator WIRTH. What is your judgment, Mr. Babbitt. I understand that we make that decision. Isn't that right?

Mr. HASSELL. Mr. Chairman, I have been told by the people in Interior that this has been put together, this whole fabric has been woven very carefully, and that jerking out a piece of this bill could very likely upset the whole bill, and that concerns us.

Senator WIRTH. From your perspective in Arizona, you could have it either way. From your perspective, you would just as soon leave it with Fish and Wildlife that is going on there. I'm not asking you to take sides, but it doesn't make any difference to you.

Mr. HASSELL. Our governor will not take sides in the debate, and she has concluded that it just doesn't matter on the ground. It is a debate over principles.

Senator WIRTH. A wise woman.

Mr. HASSELL. Right, she is.

Senator WIRTH. But from your perspective, and it is six up and a half a dozen down, if the 40,000 acres remained with Fish and Wildlife, that is fine with you. The rest of the legislation goes on.

Mr. HASSELL. Mr. Chairman, our position is that it just does not matter in terms of on-the-ground management.

Senator WIRTH. So, why not just leave it with Fish and Wildlife, and why is that an integral part of the deal?

Mr. HASSELL. The only concern that we would have, if you do that, we are told that the rest of the bill would go down.

Senator WIRTH. Why is that do you know?

Mr. HASSELL. Again, I would have to defer to the——

Senator WIRTH. Somebody cut a deal internally in the Department of the Interior.

Mr. HASSELL. I don't know their internal workings, but apparently this is——

Senator WIRTH. Any of the rest of you, why not just leave the 40,000 acres where it was and do the rest of it which is what everybody seems to think is a good idea? And that sounds to me like the hassle-free way of getting through it. Mr. Hassell, sorry. I'm not suggesting you are taking sides in this in a hassle-free way of solving the problem. Why not do that?

Mr. TURNER. That has been our position all along in that there is truly unanimous support for the rest of this bill. It is a consensus issue in the Arizona community.

Senator WIRTH. That is what I had heard. That is why I said earlier I thought that this had been agreed to. I didn't realize that this would be plugged into there.

Does anybody have a sense as to it is necessary to shift the jurisdiction of this from Fish and Wildlife to BLM? Why is that? Substantively why is it?

Mr. BABBITT. I don't know, Mr. Chairman. All I can add is that this came on at a rather late stage in the negotiations over this bill, this Kofa add-on. And it bears no internal or real relationship to the other aspects of this bill that we can see.

Senator WIRTH. I have noticed that a lot of the leadership of the Interior Department is not infatuated with wilderness or with wildlife reserves and so on. And maybe that has something to do with it.

Mr. TURNER. Mr. Chairman, I would note that late last year Mr. Hassell came down and met with myself and a number of other conservation leaders in Tucson and at that time presented us with a package proposal which was just the state and Federal lands. And we were given to understand that it was largely a balanced package at that point, and that is what we signed on to.

Senator WIRTH. Let me ask you a final question. It is my understanding, Mr. Babbitt, that you and the National Audubon differ on this. Is that right?

Mr. BABBITT. That is correct.

Senator WIRTH. Now, explain that to me.

Mr. BABBITT. Well, I think maybe they ought to explain that to you, but I don't really know why they haven't seen the light on this.

Senator WIRTH. Now, it is also my understanding that the Defenders of Wildlife and the Wilderness Society differ on this. None of you can speak to that.

I will ask the National Audubon about that. Shall we do that?

Now, tell me. Is the local Sierra Club and the national Sierra Club in agreement on this? It is getting more byzantine by the moment here.

Mr. TURNER. No. The Sierra Club is unified on this, and I believe Wilderness Society and Defenders of Wildlife are also in agreement with our position.

Senator WIRTH. And the Arizona Wilderness Coalition and the Wilderness Society and the Defenders of Wildlife are all in agreement. Is that right?

Mr. MEISTER. Yes, we agree with Maricopa Audubon, Sierra Club. We support that position.

Senator WIRTH. So, from the perspective of the environmental and conservation community, only the National Audubon is out of phase. Is that right?

Mr. TURNER. The National Audubon. I believe there are two local Audubon groups that support the entire bill.

Senator WIRTH. Gentlemen, thank you very much. We are delighted to have you with us. We greatly appreciate it. Mr. Hassell, give our greetings to your governor. I hope she is feeling better.

Mr. HASSELL. We will indeed, sir. Thank you very much.

Senator WIRTH. Our final witnesses this afternoon, if you could all join us together, are Mr. Brock Evans, the Vice President of the Audubon Society; Mr. William Reffalt of the National Wildlife Refuge System Program of The Wilderness Society; and Mr. Ray Housley of the Society for Range Management in Falls Church, Virginia; Mr. Greenwalt as well, Mr. Lynn Greenwalt, the Vice President of Conservation Resources at the National Wildlife Federation. Thank you all very much for joining us.

Mr. Evans, why don't you start us out? If you all could put your testimony in three minutes or even less, the gratitude of the recorder and everybody else would be overwhelming, and then we can get into a discussion and maybe pick up on some of the issues that were talked about earlier.

STATEMENT OF BROCK EVANS, VICE PRESIDENT, NATIONAL ISSUES, NATIONAL AUDUBON SOCIETY

Mr. EVANS. Thank you, Mr. Chairman. I am Brock Evans, and I am here on behalf of both the National Audubon Society and our chapters in Tucson and the Huachuca area in southern Arizona. Judging from your previous remarks, this is going to be an interesting session here. I saw a bumper sticker on my way over that said "I would rather be sailing." And that is sort of maybe what I feel like at the moment.

However, I want to make it plain that the National Audubon Society and our two chapters I mentioned do support this bill because we believe that on balance this exchange will have a positive effect on natural resource management in Arizona on areas which have national as well as ecological significance.

I won't go into all the details. They are in my statement. I understand we need to speed it up here, but it is important from our perspective that under this bill the national wildlife refuge system gets a net gain of about 148,000 acres, and I detail in my statement how important it is to acquire the remaining in the Buenos Aires refuge that we worked for for a long time that we fear will be lost if the exchange does not go through.

I talk about the 80,000 acres to the Cabeza Prieta, additions to the Cabeza Prieta refuge, and the 16,000 acres to be added also to the Kofa.

I want to turn to the Kofa controversy because, as you indicated, that is the only controversial part of this legislation. And I want to make it clear that the National Audubon Society does not look with favor on the deletion of lands from a specially designated area like a national wildlife refuge. In this case, however, we accept the Kofa deletion because of the strong management prescriptions contained in the bill for the deleted area. And I detail in my statement section 7(b) which allows only such uses that will conserve and protect and enhance bighorn sheep. We believe that protection, plus the proximity of the wilderness study area where you can have grazing, plus the poor grazing land that was in the testimony earlier before you came here indicates the area is protected from grazing.

Senator WIRTH. Would you all rather, Mr. Evans, have Kofa under the management of BLM or under the management of Fish and Wildlife?

Mr. EVANS. Would I rather personally?

Senator WIRTH. What is the Audubon's position?

Mr. EVANS. Audubon's position is that we don't favor deletions. In this case we are dealing with the issue presented to us which is this deletion or not.

Senator WIRTH. In the ideal world, you would like to have the legislation without——

Mr. EVANS. In an ideal world, we feel the same as some of the other gentlemen say. We see no particular reason to do this on a management basis. We think it can be protected either way.

I see the yellow light is on. I would point out that other sections also seem to us to guarantee that the land will, in fact, under this statute have wildlife refuge like protections.

I want to draw your attention to page 3 where we suggest some report language to affirm the concerns about grazing that have been raised already and speak to the concerns about possible improper recreation development in the withdrawn lands. We think those problems can be handled by committee report language.

Finally, I make it plain that our support of the legislation is predicated on the inclusion of several changes in the bill which we have been assured were only there now by oversight: first, on section 3, to delete the phrase "to the extent possible"; and second, language is needed to specifically include the Buenos Aires in the national wildlife refuge system and to define its management. Now, that wasn't done. We were told it was a legislative oversight and will be done. But our support for this bill is certainly predicated upon that as well.

I could go on, but I see that the time is up. Thank you very much.

[The prepared statement of Mr. Evans follows:]

National Audubon Society

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TESTIMONY OF

BROCK EVANS
VICE PRESIDENT FOR NATIONAL ISSUES

REGARDING THE

SANTA RITA PUBLIC LANDS EXCHANGE ACT OF 1988
S.2352

SUBMITTED TO

SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

UNITED STATES SENATE

August 4, 1988

Recycled Paper

Mr. Chairman, I am Brock Evans, Vice President for National Issues for the National Audubon Society. I am testifying today on behalf of the Society and our Tuscon and Huachuca chapters in Arizona. We appreciate the opportunity to address the legislation before you, S.2352, the Santa Rita Public Lands Exchange Act of 1988.

First of all, we would like to commend the Arizona delegation, the Arizona State Land Department, BLM Arizona State Director Dean Bibles, and Fish and Wildlife Service Regional Director Mike Spear. Their hard work and cooperation has produced a unique and timely piece of legislation which is an imaginative approach to solving many land management problems in Arizona.

The National Audubon Society supports this bill. We believe that, on balance, this exchange will have a positive effect on natural resource management in Arizona, on areas which have national as well as local ecological significance.

There are many facets of this exchange which others have testified to, involving the Santa Rita Experimental Range, Catalina State Park, and several other recreation areas. While all these are vital aspects of the entire package, and we support them, I will focus my remarks on the benefits of this exchange to the National Wildlife Refuge System, which is of particular interest to the Society.

By our accounting, this exchange affords the refuge system a net gain of about 148,300 acres. Of primary importance are the 91,300 acres to be added to the Buenos Aires refuge. These acres are integral to management of that refuge and to the recovery of the masked bobwhite quail, which has been reintroduced there. The Fish and Wildlife Service currently owns less than one-fourth of the 188,600 acres within the designated boundaries of the Buenos Aires. The rest of the refuge lands are currently leased by the Service from the state. Unfortunately, the lease fees are scheduled to increase over the next eight years from the current annual cost of $90,000 to $540,000 per year; needless to say, the Service cannot absorb that kind of inflation. In short, the future of this important refuge is in question unless these acres are acquired in fee. The Service estimates that it would cost $12 to $15 million to buy these lands. Given the current status of Land and Water Conservation Fund appropriations, we doubt that acquisition -- other than by exchange -- can or will occur in the near future. We understand that the acreage provided in this exchange represents the full balance of the Buenos Aires that is not currently owned in fee title, and we urge the Committee to check on this before final approval of the bill.

The exchange also will expand the Cabeza Prieta refuge, adding some 80,500 acres of BLM Wilderness Study Area known as the Tinajas Altas Mountains, which were proposed for inclusion in the refuge in the 1974 wilderness bill. Because BLM has had limited access for law enforcement, this area has suffered from off-road vehicle use. The addition of these lands to the Cabeza Prieta should allow for greater resource protection, given the Fish and Wildlife Service's on-site management and law enforcement capabilities.

Last but not least, the Kofa refuge will receive 16,500 acres of BLM Wilderness Study Area on its western border. Like the Tinajas Altas Mountains, this BLM area is somewhat isolated from other BLM lands, and its inclusion in the Kofa will facilitate natural resource protection.

Now we would like to focus on the one aspect of this legislation that has produced the most controversy -- the transfer of some 40,000 acres of the Kofa refuge to the Bureau of Land Management. Mr. Chairman, let me make clear that the National Audubon Society does not look with favor on the deletion of lands from a specially designated area like a national wildlife refuge. In this case, however, we accept the Kofa deletion, because of the strong management prescriptions contained in the bill for the deleted area. Our support of this legislation is predicated on the following provisions:

- in Section 7(b), allowance of only such uses in the area that "will conserve, protect, and enhance bighorn sheep and other wildlife and plant species";
- in Section 8(a), designation of the New Water Mountains Wilderness in a major portion of the wilderness study areas on the Kofa deletion and adjacent BLM lands;
- in Section 9(a), withdrawal of Kofa refuge lands, including the deleted area as well as lands added to the west, from all mining and mineral leasing laws.
- in Section 13, authorization of funds to support 10 additional BLM personnel to perform resource management and law enforcement activities in the Kofa deleted lands and in Black Canyon Corridor.

It is true that the mandates of the Fish and Wildlife Service and the Bureau of Land Management differ greatly, and frankly, the BLM has not heard much applause for its efforts at wildlife habitat management in the past. The Society does, however, try to refrain from making generalized assumptions about the relative capabilities of BLM and FWS land managers. We continue to make the case for additional funding of BLM wildlife management programs. In this case -- given the statutory protections for the refuge lands to be transferred -- we believe that on-the-ground management will not suffer simply because of a change in agency jurisdiction.

The mining withdrawal provision, in particular, is extremely important to ensure the future integrity of the Kofa. A recent USGS study indicates that much of the refuge is underlain with medium- to high-grade gold. It is estimated that about one-third of Kofa's mineral resources could be mined using a new open-pit, toxic chemical extractive process. The current mining withdrawal will expire in 1991. We strongly support the permanent withdrawal of the Kofa now, before any unforeseen pressures develop to open it up.

We have heard the argument for waiting for a statewide wilderness bill to address the issue of wilderness designation in and around the Kofa. The Society, however, would rather not gamble with the future of these fragile lands. We prefer certain wilderness now. The wilderness study areas currently under the jurisdictions of two agencies will be managed as one unit by the BLM, which we believe is in the best interest of the wilderness resource.

The Section 7(b) language provides further assurance that on-the-ground management of the Kofa corridor will not change. In this regard, however, we remain concerned about two activities which could have a detrimental effect on wildlife habitat: grazing and recreation. Currently there is no grazing on the Kofa refuge. We understand that a cattle company is permitted to graze 15,750 AUMs over some 234,000 acres of BLM lands north of the current refuge boundary, but that the BLM wilderness study area immediately adjacent to the Kofa is of such poor quality that few, if any, cattle venture there. We also understand that additional grazing will not be permitted on those areas designated as wilderness. The possibility, however slim, that the Kofa corridor and the refuge lands further south could be degraded by intensified grazing should be addressed in report language stipulating that BLM refrain from permitting more grazing in the area.

Camping on the Kofa currently is permitted, but not for longer than two weeks, and all campsites must be within 100 feet of a road. The popular Crystal Hills area, which is within the acreage to be transferred to BLM, was once a developed campground. Because research has determined that it is in a corridor used by bighorn sheep, the Fish and Wildlife Service has removed facilities there. We urge the Committee to provide specific report language stipulating that BLM refrain from reestablishing Crystal Hills as a long-term visitors use area.

In addition to report language, we also urge the Committee to make the following changes to the bill. These changes, though superficially technical, are really substantive in nature, and our support of the legislation is predicated on their inclusion.

- in Section 3, delete the phrase "to the extent possible";
- in Section 3(2), language is needed to specifically include the Buenos Aires in the National Wildlife Refuge System, and to define its management under the Refuge Administration Act. [To maintain consistency, Arivaca Lake should be specifically included in the National Forest System, as other areas are in Section 4(a).]

Finally, Mr. Chairman, I would like to address the issue of whether this transfer of refuge lands will set a precedent for further incursions on the refuge system. I can assure you that the National Audubon Society would not accept the Kofa transfer if we believed that it was of precedent-setting nature. We see this as a unique situation, involving refuge lands that have already been violated. While we did not approve of the establishment of the utility corridor on the Kofa to begin with, the fact is that it now exists. The need for a utility corridor between southern Arizona and California will undoubtedly continue to be an issue, and the Kofa line will continue to be an option for its placement, whether or not it is still in the refuge system.

In short, our analysis of the Santa Rita exchange leads us to conclude that the package is an overall good one for the Arizona environment. We strongly believe that natural resource protection will be advanced by this bill. We urge this Committee to swiftly act on the opportunities afforded by this legislation, because the stars may not align this way again.

Senator **Wirth**. Let me make sure that I understand. It is national policy by the National Audubon Society not to take lands out of reserves. Is that right?

Mr. **Evans**. I said in our statement that we don't look with favor on that. We do try to treat each situation on a case-by-case basis.

Senator **Wirth**. Then tell me what is the argument for taking Kofa out of its current status.

Mr. **Evans**. The argument for taking Kofa out is that we get in return protection for some areas that are really in trouble in Buenos Aires, plus we get wildlife refuge-like protection for the areas there.

Senator **Wirth**. Why is it necessary to take this 40,000 acres out of its current status in order to get all these other pieces?

Mr. **Evans**. We didn't draft the bill, Mr. Chairman. You would have to speak to the people who did and ask them why it's necessary.

Senator **Wirth**. If you had your druthers, obviously, from the perspective of the National Audubon, you would like to have a situation in which the rest of the bill was put together and the 40,000 acres left where it is.

Mr. **Evans**. Oh, sure.

Senator **Wirth**. That is what you are telling us.

Mr. **Evans**. Sure.

Senator **Wirth**. Mr. Greenwalt?

STATEMENT OF LYNN A. GREENWALT, VICE PRESIDENT, RESOURCES CONSERVATION DEPARTMENT, NATIONAL WILDLIFE FEDERATION

Mr. **Greenwalt**. Yes, sir. My name is Lynn Greenwalt, and I am here representing not only the National Wildlife Federation and its affiliate in Arizona, but also I have been asked to represent the National Parks and Conservation Association, as well as the National Wildlife Refuge Association.

Simply stated, Mr. Chairman, the National Wildlife Federation and the other organizations I am here to represent support this legislation for the reasons outlined earlier by Mr. Evans; that is to say, the net gain for the people of Arizona and, indeed, for Fish and Wildlife throughout Arizona is a plus. And we are in favor of pluses.

I might say, Mr. Chairman, that my own interest in this transcends that of the organizations mentioned here if, indeed, that is possible because of my role in a previous incarnation when I was a part of the Interior Department, indeed, part of the Fish and Wildlife Service and its director for a time, and have a keen interest in what goes on in these kinds of transactions because the package, give or take its merits in terms of some elements, is a very, very good one designed to do thoroughly meritorious things.

As an organization, the National Wildlife Federation and, indeed, the other two organizations for whom I speak, ordinarily not be in favor of removing part of a national wildlife refuge. Again, we are all relatively pragmatic and look at these things on a case-by-case basis. If asked, I could not tell you precisely why the assemblers of this package took the 40,000 acres out of the Kofa game range. I can tell you that in practical probability the difference insofar as the creatures are involved is likely to be minimal.

I will say that we, as the three organizations, want in the final analysis the transaction generally as described in this legislation, that is to say, that the positive virtues of this legislation to bear fruit because it is I think vitally important for a variety of reasons.

Mr. Chairman, simply to restate my position, we do support this legislation as it is presently generally constituted.

[The prepared statement of Mr. Greenwalt follows:]

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STATEMENT OF

LYNN A. GREENWALT
VICE PRESIDENT
RESOURCES CONSERVATION DEPARTMENT

ON BEHALF OF

THE NATIONAL WILDLIFE FEDERATION
NATIONAL PARKS AND CONSERVATION ASSOCIATION
THE NATIONAL WILDLIFE REFUGE ASSOCIATION

BEFORE THE

SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES

REGARDING

S. 2352, THE SANTA RITA PUBLIC LANDS EXCHANGE ACT
OF 1988

August 4, 1988

Statement Of

Lynn A. Greenwalt
Vice President

On Behalf Of

The National Wildlife Federation
National Parks and Conservation Association
The National Wildlife Refuge Association

S. 2352, THE SANTA RITA PUBLIC LANDS EXCHANGE ACT OF 1988

Mr. Chairman, my name is Lynn A. Greenwalt and I am Vice President for Resources Conservation for the National Wildlife Federation. It is my pleasure to appear here today to support this measure and to do so in behalf of my own organization, the nation's largest conservation-education group, as well as two other conservation organizations. One, the National Parks and Conservation Association, is well-known to you, I am sure, and is a non-profit membership organization devoted to the furtherance of enlightened public land management, with particular emphasis on the National Parks of the United States. The other, perhaps less well-known, is the National Wildlife Refuge Association, made up largely --but not entirely-- of past and present employees of the Interior Department's Fish and Wildlife Service, including a large number who are or have been associated with the management of the National Wildlife Refuge System. Our membership has a keen interest in the aims of S. 2352 and I am here to urge passage of this legislation.

This legislation would authorize a land-exchange which represents the finest in inter-organizational land management planning and will result in significant improvements in land status in Arizona. The array of exchanges and land-use provisions in this bill is complex, but the goal is straightforward: to resolve a number of land protection and management problems. The bill will do this by:

- Assuring the perpetuation of the 5,492-acre Catalina State Park;
- Protecting the 51,000-acre Santa Rita Experimental Range from almost certain urban development, and placing it in the care of the University of Arizona;
- Completing the 118,000 acre Buenos Aires National Wildlife Refuge by exchanging 91,000 acres of Arizona State Trust Lands for federal properties elsewhere. Without this exchange, the Refuge might never reach its objective of protecting the endangered Masked Bobwhite Quail;
- Exchanging about 60,000 acres of State Trust Lands in order to protect the archaeologically and scenically rich Black Canyon Corridor by bringing them under the control and protection of the Bureau of Land Management;
- Adding 16,000 acres of State Trust Lands of great scenic and scientific importance to Bureau of Land Management lands in the Lake Pleasant area;
- Adding more than 80,000 acres of Bureau of Land Management land in the Tinajas Altas Mountains to the Cabeza Prieta National Wildlife Refuge, an action which will increase the biological diversity of the Refuge and give greater protection to the Tinajas Altas Mountains, one of the finest desert wildlife areas in the State;
- Making some 16,000 acres of Bureau of Land Management wilderness-qualified lands to the Kofa

National Wildlife Refuge; and,
- Withdrawing the Kofa Refuge from mineral entry, mineral leasing, and geothermal leasing.

In addition the legislation would remove about 40,000 acres of land from the Kofa Refuge and transfer it to the jurisdiction of the Bureau of Land Management, where those acres which qualify will be made a part of the New Water Mountains Wilderness, also established by this legislative proposal.

This legislation, while simple in purpose, is complex because of the number of transactions that are a part of the overall plan. The roster of actions outlined above is not all those contemplated in the legislation, but does represent the major components of a well-considered and progressive plan.

This proposal is not without controversy, to be sure. The element of the plan proposing the deletion of 40,000 acres of land from the Kofa National Wildlife Refuge is viewed by some as being inconsistent with the idea that no lands be removed from the National Wildlife Refuge System. That general rule ordinarily would be supported by all three of the organizations I represent here today. In this case, however, the intricate land exchanges have been studied carefully and we conclude that the net result is a positive one.

As the Committee understands, the Kofa Refuge is crossed by what is in effect a utility corridor presently accommodating a gas pipeline and a power transmission line. Given the growth potential of Arizona generally and the proximity of population centers in California, it is probable that more uses will be made of this corridor for power lines and related activities. The appropriate accommodation of these uses is much more efficiently managed by the Bureau of Land Management, the charge of which includes management of these kinds of uses of public land.

The new northern boundary of the Kofa National Wildlife Refuge would be at the south edge of the corridor and Bureau of Land Management jurisdiction would extend to the north in one block of land. The desert wildlife, principally Desert Bighorn Sheep, will not be affected by a jurisdictional change, of course, and provisions of S. 2352 assure that management of wildlife habitat under Bureau of Land Management jurisdiction will continue as it was when it was a part of the Kofa Refuge.

In short, this is a plan in which all interests do, in fact, benefit. Tax money is saved by obviating the need to continue lease payments for Arizona Trust Lands in the Buenos Aires Refuge. Long-term land management problems elsewhere in the state will be resolved, and thousands of acres of valuable public resources assured protection and appropriate management.

I would like to express the commendation of the three groups I represent today to the many employees of the U.S. Fish and Wildlife Service and the Bureau of Land Management, as well as officials of the State of Arizona for the outstanding work they have done in developing this plan. This plan represents the application of imagination, dedication, and the essence of true public service to the end that the public _is_ served and the interests of citizens of Arizona and the rest of the country protected in a thoughtful and productive way. State Director Alan Bibles of the Bureau of Land Management and Regional Director Micheal Spear of the U.S. Fish and Wildlife Service deserve special recognition for their leadership in this endeavor.

Mr. Chairman, I appreciate the opportunity to appear before this Committee today, and I stand ready to answer any questions.

Senator **Wirth**. If I understand it, then the reason for taking out the 40,000 acres is to provide a utility corridor. Is that right? And that is why we are doing this. Is that right?

Mr. **Greenwalt**. That is certainly one of the results.

Senator **Wirth**. Are there any other reasons for doing it?

Mr. **Greenwalt**. Mr. Chairman, quite candidly, none of us was present when the bill was put together, the package put together.

Senator **Wirth**. You have decided the package is pretty good, so therefore it was—I mean, it is good, and I understand all of that.

Mr. **Greenwalt**. If there is no other alternative, this is the best of all possible alternatives.

Senator **Wirth**. I understand that. But I always believe that you go for 100 percent rather than 95 percent. I am trying to figure out what happened to that last 5.

Mr. **Greenwalt**. I think in fact there is far more than 100 percent plus involved in this whole transaction.

Senator **Wirth**. I am all for 120. Why go for just 115? [Laughter.]

Mr. **Greenwalt**. I would agree.

The question of the utility corridor, please understand, is not one to be trivialized because those utility lines will go across that part of Arizona some place.

I was director of the Fish and Wildlife Service, and I agonized over the first transmission line and was, in fact, a part of the administration at the time of the aforementioned solicitor's opinion. And it may be to whatever credit accrues to one of my age and past history—not to my credit to have let or, indeed, been asked to let that power line across the Kofa game range because in those days I too looked at the possibility of the I-10 corridor which for reasons I cannot recall—it has been far too long ago—was not acceptable. I am not without imagination, and in those times I suggested the I-10 corridor as well. And for reasons that you perhaps can understand better than I, it did not materialize. Therefore, there is a power line and at least a set of gas pipelines and I am told a fiber optic communications line across the Kofa.

This is apt to happen again in the sense that none of this is going to go away. Perhaps it should be viewed from the perspective of a corridor managed in a way that is in the best of all possible worlds. If it is preferred that there be a continuing series of struggles and fights and recriminations about the location of a power line, then it is perfectly all right to leave that corridor within the national wildlife refuge. In the absence of a corridor within a national wildlife refuge, perhaps some rationale, some enlightened approach to the transaction that requires these energy corridors, which will continue, can be developed.

I can tell you that the problem, a loosely used word, the management problem associated with the relationship with BLM is minimal as compared to the management problems associated with handling things like utility lines crossing public lands.

And, again, I was not there when the package was put together, and this may be the reason there is such adamant concern about whether or not 40,000 acres more or less remain in the Kofa game range as opposed to being within the jurisdiction of BLM and managed in much the same fashion but for the problem of the test of compatibility to cross a national wildlife refuge.

Senator WIRTH. It sounds to me like what happened in this was that the Fish and Wildlife didn't want to manage a utility corridor going across Fish and Wildlife land, and in the way of just not to do that, they agreed to have it go to BLM. Do you suppose that——

Mr. GREENWALT. That's always a possibility. I can tell you with absolute authority that in the first instance the Fish and Wildlife Service I represented at that time did not want a utility corridor, period. And we got one.

Senator WIRTH. Are there precedents elsewhere of utility corridors going across wildlife reserves?

Mr. GREENWALT. There are precedents I think one might safely say abounding for things like gas pipelines, but not in recent times because many of these things came to pass a long time ago.

Senator WIRTH. So, what you are saying is you could leave the 40,000 acres where they are in Fish and Wildlife, and have Fish and Wildlife manage the utility corridor across there. Is that right?

Mr. GREENWALT. That's correct. And it would have attendant upon——

Senator WIRTH. Does that then solve everybody's problem?

Mr. GREENWALT. I'm not sure it does in the future because the next time there is a need for some element to utility corridor, the issue is raised once again. And I have long since retired from the Fish and Wildlife Service and may retire from my present role. I do not want to see other administrators confronted with the same kinds of wrenching problems that accrue when somebody says this is the place that utility line should go.

Senator WIRTH. Just a final question about precedents. If there are precedents for running utility corridors or pipelines across refuges—there are those, right? They abound.

Mr. GREENWALT. They exist. That's correct.

Senator WIRTH. Are there precedents for withdrawing lands from refuges?

Mr. GREENWALT. Occasionally, but not as a rampant thing.

Senator WIRTH. So, generally when the situation has arisen, historically what has happened is that the Fish and Wildlife Service has adapted the utility corridors rather than turning that land over to some other agency as a general proposition. Is that right?

Mr. GREENWALT. As a general proposition because most utility corridors in most cases have not included high tension transmission lines, not always, but in most cases they have not.

Senator WIRTH. Thank you very much.

Mr. Reffalt?

STATEMENT OF WILLIAM C. REFFALT, DIRECTOR, NATIONAL WILDLIFE REFUGE PROGRAM, THE WILDERNESS SOCIETY

Mr. REFFALT. Thank you, Mr. Chairman. My name is Bill Reffalt. I am director of the National Wildlife Refuge Program for The Wilderness Society. My testimony is also given on behalf of the Natural Resources Defense Council and Friends of the Earth.

Do I understand correctly that my full testimony will be put in the record?

Senator WIRTH. Yes.

Mr. REFFALT. Thank you.

Mr. Chairman, we strongly support the good intentions of this legislation. We particularly support its protection of Catalina State Park and acquisition of lands to complete Buenos Aires National Wildlife Refuge. Troubling to us though, most troubling, is the measure's proposed deletion of 41,000 acres in the Kofa National Wildlife Refuge. We strongly oppose that provision.

My more lengthy testimony makes three main points, Mr. Chairman.

One, the lands proposed for deletion are biologically important to and interconnected with the bighorn sheep that the refuge was created to protect, the primary purpose of the refuge. We have attached to my lengthy testimony as Appendix C a map that we believe demonstrates that important linkage between the Kofa refuge and the New Water Mountains to the north, a fact that has long been known by the Fish and Wildlife Service and that resulted in the 1974 recommendation by the Fish and Wildlife Service that the refuge be extended northward through that area to place these habitats and associated wildlife populations under refuge protection. Such protection is needed to ensure continued genetic interchange among the interconnected populations of these bighorns. Disruptions to that linkage would ultimately mean fewer bighorns.

Secondly, a decision in this Congress to delete the power line corridor is premature. There are no active proposals for power line development in this area. A proposal to build a power line beginning in 1993 may be announced later this year. However, a similar proposal was recently rejected by the California Public Utilities Commission as uneconomic.

In addition, the need for another power line may be eliminated if merger negotiations between two power companies are successful because that would make an existing power line with additional capacity available immediately to transport power to California.

If a future power line is needed, the least environmentally damaging route should be determined by a normal NEPA process.

The future of Kofa and New Water wilderness should be decided in the context of the statewide wilderness. That was a point made earlier. And we understand that that is beginning considered for possibilities next year. Until that time, the wilderness study area in both the Kofa and the New Water Mountains are both protected from mining. We believe that that protection will be continued as necessary until Congress has the opportunity to fully review wilderness recommendations.

Three, the deletion of 41,000 acres of important bighorn sheep habitat from the Kofa refuge is a bad precedent. Congress has never before legislated the removal of habitat areas from a refuge that are demonstrably associated with achieving its purposes in order to facilitate incompatible commercial development. One of the reasons Congress provided the Fish and Wildlife with its own authority to manage rights-of-way was to protect refuges from efforts to split off habitats through intrusions of roads and so forth and then remove the fragmented portions of that refuge.

Mr. Chairman, I will summarize by saying that we support the goals of S. 2352, but we can find no adequate justification for those deletions. And if Congress agrees to deletions of this sort, we wonder where it would stop in the future with regard to wildlife refuges. We urge you to delete the objectionable provision from this bill.

[The prepared statement of Mr. Reffalt follows:]

THE WILDERNESS SOCIETY

TESTIMONY OF WILLIAM C. REFFALT

ON BEHALF OF:

THE WILDERNESS SOCIETY
NATURAL RESOURCES DEFENSE COUNCIL
AND FRIENDS OF THE EARTH

BEFORE THE PUBLIC LANDS, NATIONAL PARKS AND FORESTS SUBCOMMITTEE

OF THE SENATE ENERGY AND NATURAL RESOURCES COMMITTEE

REGARDING S. 2352

THE SANTA RITA PUBLIC LANDS EXCHANGE PROPOSAL

AUGUST 4, 1988

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Mr. Chairman, I am Bill Reffalt, Director of the National Wildlife Refuge Program for The Wilderness Society. I appreciate this opportunity to present The Society's views on S. 2352. My testimony is also given on behalf of the Natural Resources Defense Council and Friends of the Earth. These organizations with combined memberships and contributors totalling over 375,000 persons nationwide, are devoted to proper protection and enlightened management of our Nation's public lands and natural resources.

We strongly support the good intentions of this legislation, particularly its protection of Catalina State Park and acquisition of land additions for the Buenos Aires National Wildlife Refuge. However, as written, S. 2352 fails to achieve much of the good its authors set out to accomplish. Most importantly, we strongly oppose the measure's proposed deletion of 41,000 acres from the Kofa National Wildlife Refuge. Therefore, we recommend that S. 2352 be substantially rewritten.

BACKGROUND

The Declared Intent and Public Support

When this proposed land exchange was announced by the Bureau of Land Management (BLM) and the Arizona State Land Department (ALD) in the summer of 1987, its primary objectives included:

A. Repayment of the federal lands owed to Arizona for parts of the Central Arizona Project (CAP).
B. Preserving Catalina State Park.
C. Preserving Buenos Aires National Wildlife Refuge.

Negotiations progressed during the summer and further announcements were released to the public in December of 1987 outlining how the above objectives could be achieved.

Specifically, the BLM and ALD proposed giving the State about 51,000 acres administered by the U.S. Forest Service as the Santa Rita Forest Experiment Range (located south of Tucson). The range would continue to be used for long-term natural resource and land management research under the auspices of the University of Arizona. In return, the State would transfer to the BLM about 55,000 acres of archeologically significant lands in Black Canyon, north of Phoenix. In addition, the 5,500-acre Catalina State Park would be added to the adjacent National Forest, with the expectation that the State could continue to operate it as a park.

Because the Santa Rita lands and other federal tracts offered in the exchange have relatively high appraised values, they more than equalled the values of the offered state lands and the values of the lands used in the construction of portions of the CAP. Thus, the state lands within the Buenos Aires NWR, state lands surrounding Arivaca Lake and several small state parcels were also to be transferred into federal ownership to make the entire exchange approximately equal in land values.

Environmental organizations and the general public in Arizona expressed approval and commendation of the announced proposals. Significantly, neither the original announcement in July 1987 nor the subsequent announcements in December 1987 and January 1988 contained any reference to the Kofa or Cabeza Prieta National Wildlife Refuges.

Need For The Exchange

There are two basic reasons for the federal and state governments to enter into this land transfer arrangement:

1. Construction of elements of the CAP have resulted in the federal government owing about 13,000 acres under the Arizona Statehood Act.

2. The current interpretation of Arizona's constitution requires that state trust lands return the highest possible income to be used for the public school and road programs.

Even State Parks have been required to reimburse the State Land Department for the use of state trust lands. The recent interpretation by the State Land Department has resulted in major increases in the lease rates charged for trust lands when they are not used as grazing lands (i.e. when they are classed as "commercial").

Catalina State Park, a popular recreation area northeast of Tucson, is comprised of such trust lands and has experienced difficulty in making the increased payments. Similarly, Buenos Aires NWR includes about 91,000 acres of state lands (by agreement with the state). The FWS was notified in early 1987 that the lease rates for the state lands would increase from about $20,000 per year to about $500,000 per year, with the increases to be incrementally installed over a five-year period. It is unlikely that FWS could make such payments. Therefore, the higher lease rates might result in loss of a major portion of this important National Wildlife Refuge and compromise the refuge's ability to recover the endangered masked bobwhite quail, a primary reason for establishing this refuge.

The original exchange concept would have resolved many of these issues in a manner satisfactory to all involved parties. State and national environmental organizations and the public recognized it as important and desirable and it was broadly supported.

The Kofa National Wildlife Refuge Controversy

Suddenly, in February 1988, the BLM State Director and the FWS Regional Director announced several new and "essential" elements to the exchange had emerged. These new elements involved a 50,000 acre deletion (since reduced to about 41,000 acres) from the Kofa NWR to be transferred to the BLM, and an 80,000 acre addition to the Cabeza Prieta NWR. The declared need for the Kofa NWR land deletion and transfer was to facilitate the routing of a proposed 500kV powerline adjacent to an existing powerline right-of-way through the refuge. Since the time when the Kofa deletion was first announced, the powerline proposal has been suspended until further economic studies are completed. It is not expected that a powerline will be needed before 1993, if at all.

The BLM State Director and FWS Regional Director now claim that the Kofa NWR deletion "solves a management problem" on the refuge (i.e. administration of the existing rights-of-way and other uses in the corridor). Given that the FWS has been involved in the administration of the Kofa corridor and the existing powerline for many years, we find the sudden appearance of this "serious problem and need" to delete important, interconnected habitats from the refuge unsupported by facts and unacceptable. For these and other reasons discussed below, we strongly objected to the Kofa elements being added to an otherwise desirable exchange.

INADEQUACIES OF THE LEGISLATION

Before addressing the specific reasons for our opposition to the Kofa NWR land deletions, we believe it is important to point out that the legislation before this Committee does not actually accomplish many of its averred purposes.

For example, the Catalina State Park lands are identified for possible transfer to the federal government by Section 3 of the legislation and initially, under Section 4(a), cooperative management as a State Park is required. However, the provisions in Section 4(b) supplant that directive when the 1986 forest plan is revised and require that:

> "... future management direction ... will be determined as part of planning for the entire National Forest."

Although Subsection 4(b) may not cause modification in the State Park understanding, such an outcome certainly is not precluded.

Another example of the bill's failure to accomplish the announced intent is the provision dealing with the Buenos Aires NWR. Direction for federal acquisition of these important lands is found at Section 3 of S. 2352, which begins:

> "To the extent possible ...."

This section offers no assurances that the goal of acquiring all state lands currently managed as part of that refuge will be achieved. Also, the bill contains no provisions directing administration of the refuge lands, once acquired. There should be express direction that the acquired state lands be added to Buenos Aires NWR and administered pursuant22 to the National Wildlife Refuge Administration Act and other laws governing use and development of National Wildlife Refuges.

Similarly, lands to be placed in the National Forests or added to the BLM National Resource Lands by this legislation should be subjected to the appropriate laws of those systems. Where sensitive resources are to be given special consideration, such as the archeological and historical resources in the Black Canyon area, that direction should be explicit.

When revoking Executive Orders, Public Land Orders or provisions of federal law, and, when providing direction regarding the exchanges and future management guidance, the phrase:

> "Notwithstanding any other provision of law ...",

as used throughout S. 2352, is unnecessarily vague. We recommend that the legislation contain carefully crafted, specific exceptions to only those statutes, establishing orders, and administrative directions which must be removed or modified to permit this exchange. S. 2352's vaguely worded revocations coupled with the broadly worded purpose "to facilitate the transfer of certain federal lands" can easily lead to the loss of important Congressional direction, administrative guidance and safeguards built into statutes and land orders to protect the public interest.

Based on past experiences with complicated land exchanges, The Wilderness Society strongly recommends that this legislation be carefully rewritten to expressly accomplish the exchanges and agreements of the various parties as approved by the Congress. To this end, we recommend that a written "Terms and Conditions" document be prepared and signed by the involved parties and the elements incorporated into the legislation. In this way, each party to the exchange and agreements will know exactly which lands they will receive and how they are to be managed. Congress will know what disposition of public lands it has endorsed.

This exchange has been under negotiation for over a year. Surely, the parties can specify the provisions, conditions and intent of the exchange so that the authorizing legislation can be clearly and carefully written to reflect these elements.

THE KOFA NATIONAL WILDLIFE REFUGE

History of Kofa NWR and the Corridor

The Kofa NWR was originally established by Executive Order in 1939 for the conservation and protection of the desert bighorn sheep (*Ovis canadensis mexicana*) and its ecosystem. Until 1976, the Bureau of Land Management and the U.S. Fish and Wildlife Service jointly administered Kofa NWR and four other refuge units. In 1976, Congress enacted legislation to place these refuges under the sole administration of FWS after years of controversy regarding joint administration.

During the late 1970s a new Kofa refuge controversy arose when a high-voltage powerline, to carry electric power from Arizona to California, was proposed to cross the northern portion of the refuge. Eventually, the Interior Department approved the construction of the line within an existing rights-of-way corridor that already contained four buried natural gas lines.

Following Interior's decision to permit the powerline, researchers collected new information about sensitive resources within the refuge corridor. An important, additional bighorn sheep lambing area was discovered on the refuge adjacent to the powerline right-of-way. Multiple sheep pathways across the right-of-way were confirmed. Several sensitive plant species officially recognized by either the state or federal government as deserving special protection were found in within the corridor.

In hindsight, it appears that the original decision authorizing the powerline was mistaken. The decision to build the line through the refuge rather than along one of the alternative routes such as the Interstate 10 corridor or Brenda route was based on inadequate knowledge of the high incidence of sensitive plant and animal species in and adjacent to the refuge corridor.

Wilderness Study Status of Kofa NWR

Pursuant to the Wilderness Act of 1964, the Kofa was studied to determine its suitability for designation as wilderness. FWS's recommendations were forwarded to the Congress in 1976. In addition to recommending much of the existing refuge for wilderness designation, the Administration proposed expanding the refuge northward to protect approximately 87,200 acres of additional important bighorn sheep habitats in the New Waters Mountains. About 24,200 acres of the proposed addition were also recommended for wilderness. The Wilderness Society, Sierra Club, Arizona Wilderness Coalition and other conservation groups have endorsed (with only minor differences) and supported that proposal since President Ford approved it in 1976.

Recently, the BLM completed its study of the New Water Mountains WSA and recommended about 21,600 acres be designated wilderness. Clearly, there is little, if any, disagreement between the FWS and the BLM about the quality of the lands and habitats in the north end of Kofa and the adjacent New Water Mountains. In their wilderness recommendations, both agencies recognized the tremendous public values of these lands and their vital importance to the bighorn sheep populations of the area.

Arizonans are now discussing the possibility of a statewide wilderness bill. We believe it is appropriate for the 101st Congress to consider the wilderness and other questions for the Kofa NWR and adjacent lands. Pending such consideration, the Wilderness Study areas, in both the Kofa refuge and the New Water Mountains, are protected from mining (except on valid existing claims) and from other activities that could diminish the wilderness qualities of the areas or preempt Congressional decisions to designate those lands as Wilderness. The Kofa NWR and the proposed refuge addition in the New Water Mountains have been officially segregated from operation of the mining laws. We believe the protection of that closure will be continued as necessary until the wilderness question is resolved.

It is our position that the issues and opportunities associated with the Kofa NWR and adjacent lands and the Cabeza Prieta NWR and adjacent lands are best dealt with in the context of a statewide wilderness bill. That bill should address the following: 1) wilderness designation on refuge and BLM lands; 2) the need for land additions to the refuge to improve its ability to achieve establishing purposes; and, 3) consideration of which areas if any, should be reopened to operation of the mining laws. The piecemeal approach to these decisions proposed in S. 2352 is undesirable and unnecessary.

Wildlife and Habitat Relationships in the Northern Kofa NWR

Kofa NWR contains about 50% of the Ovis canadensis mexicana subspecies of desert bighorn sheep in Arizona (and, therefore, in the U.S.). In addition, the refuge hosts over 180 species of birds and at least 90 species of mammals, reptiles and amphibians. Kofa NWR, as a part of the Sonoran desert ecosystem, is noted for a diversity of flora, harboring over 232 plant species from at least 53 family groups. Included in the refuge's native flora and fauna are several federal or state listed or candidate threatened or endangered species.

During the powerline controversy in the late 1970s, several studies were conducted in the northern portion of the refuge and adjacent areas. These studies and other research in the refuge have consistently demonstrated a close and important link (see map, Appendix C) between the bighorn populations in the Sheep Tank Mountains, Kofa Mountains and Livingston Hills within the refuge and the New Water Mountains north of the refuge. (See for example: James H. Witham, E.L. Smith and W.S. Gaud, Desert Bighorn Movements in a Southwestern Arizona Mountain Complex, 1979; Ibid., Studies of Desert Bighorn Sheep (Ovis canadensis mexicana) in Western Arizona, 1980 and 1981; William D. Ough and J.C. deVos, Jr., Intermountain Travel Corridors and Their Management Implications for Bighorn Sheep.)

The FWS has long known about these interconnections. The Service's wilderness study recommended that the refuge be extended northward to place these habitats and their associated wildlife populations under refuge protection. The 1979 study by Witham and Smith (referenced above) specifically recommended that the detached mountain areas be managed as a single unit to insure continued genetic exchange among the interconnected populations of bighorns.

On the other hand, studies also have documented that the Interstate 10 highway corridor constitutes a barrier to traditional sheep movements between the Plamosa Mountains and the New Water Mountains. Placing a powerline along the highway corridor is unlikely to seriously disrupt bighorn movements already reduced to a trickle by previous developments.

Competition and Range Management in the Northern Kofa NWR

By the early 1980s, it was apparent to FWS that continued cattle grazing and competition from feral burros in portions of the refuge were damaging bighorn habitats and possibly limiting their populations. Ultimately, the FWS eliminated this grazing and competition by purchasing the water tanks and other developments of the grazing permittee and removing the cattle and burros. According to Kofa refuge Narrative Reports, range conditions have improved since those removals. In turn, those improved range conditions are likely contributing to recent high bighorn population levels in the refuge. Much of the cattle grazing on the Kofa NWR had been located in the northwestern corner of the refuge within the rights-of-way corridor and on surrounding lands to the north and south. The wildlife and habitat benefits achieved from the elimination of grazing and competition should not be lost now by the presumption in this legislation that a second powerline should be constructed through this corridor.

Splitting Refuge Habitats -- The Kofa NWR Precedent

The Wilderness Society, Natural Resources Defense Council, Friends of the Earth, the Sierra Club, several chapters of the Audubon Society and others strongly oppose Section 7 of S. 2352 that deletes about 41,000 acres from the Kofa NWR. There is an important precedent at issue, in addition to the substantive biological and administrative issues raised by the removal of these lands and resources from the Kofa NWR. The Congress has never legislated the removal of habitat areas from a refuge that are demonstrably associated with achieving the purposes for which that refuge was established. This is particularly true when the justification is to facilitate the development of a commercial enterprise.

Moreover, if, as the FWS believes and has stated (see Appendix A), the construction of a second powerline within the Kofa NWR corridor is environmentally incompatible with the natural resources of that area, then removing the lands from the refuge will not alter that incompatibility. Rather, removal merely dodges the legal standards of refuge law.

One of the reasons for the existing authorities provided by the Congress in the Refuge System Administration Act (16 U.S.C. 668dd) regarding rights-of-way was to protect refuges from efforts to split-off habitats through roads, pipelines, etc., and then remove the fragmented portions. The units of the National Wildlife Refuge System presently administer about 2000 rights-of-way for powerlines, canals, ditches, microwave towers, roads, pipelines, and other such facilities under the provisions of the Refuge System Administration Act. The continued presence of refuge management in these cases insures that the wildlife and habitats are given first priority consideration in all activities and decisions related to administration of the uses within the rights-of-way. S. 2352 fosters the concept of splitting off and removing refuge lands and habitats. It opens the door to future requests that could fragment and ultimately dismantle the refuge system. We ask this Committee to reject that concept and remove Section 7 and all related provisions from the bill.

Must Kofa NWR Lands Be Deleted To Permit Another Powerline?

In May of 1987, FWS Regional Director Michael Spear cautioned:

> "We believe that the verdict is still out on the impacts to sheep management that the initial Devers-Palo Verde [power]line is having, and we are certainly not in agreement with you that a second line with its additional width and tower requirements will not cause any major land use conflicts." (See letter from Michael J. Spear to James W. Kahle, Southern California Edison Co., May 27, 1987; attached as Appendix A.)

Mr. Spear also stated his Agency's belief that an additional powerline along the refuge corridor may significantly impact the sheep and other wildlife resources and their habitats in the refuge. We agree.

Current biological data are inadequate to assess the impact of the first powerline or to draw specific conclusions concerning the impacts of an additional line in the future. However, the lack of data cannot properly be interpreted to mean that there are no impacts or that additional disturbances will not harm the refuge or the bighorn sheep populations. The FWS refuge staff and regional biologists believe there could be significant negative impacts from a second powerline. Their expertise should be relied upon in the absence of research data to the contrary.

As demonstrated by Mr. Spear's letter to Mr. Kahle and the comments of the Yuma Audubon Society (Appendix B) in response to the recent Supplemental Environmental Impact Statement for the new powerline, the alignment of the powerline through the corridor will encounter far more high-density bighorn habitats and more occurrences of four sensitive plant species than would alternative routes to the north. The supplemental EIS itself acknowledges that development in the refuge corridor had a more severe impact on the high-quality visual experience in that portion of the refuge than expected in the original EIS.

Alternative rights-of-way alignments to the north of the refuge and the New Water Mountains contain fewer sensitive habitats and species, fewer high-density bighorn sheep habitats, far fewer bighorn pathways, less high-quality visual resources. These alternatives would involve fewer and lower-rated negative impacts on environmental resources (see Yuma Audubon Society comments regarding the proposed powerline and its impacts, Appendix B). The alternative corridor alignments can be made available in the statewide wilderness legislation. We will urge that language be included to accomplish that purpose.

Whatever the compatibility of another powerline within the refuge, the issue cannot and should not be decided in this legislation. When and if, another powerline is needed, the Kofa refuge corridor and the northern Highway 10 alternatives can be made available. This is true, whether or not the lands are retained in the Kofa and the New Water Mountains are added to the refuge as proposed by President Ford in 1976. We believe it is important that new and complete environmental studies and impact analyses be conducted at the time a specific proposal is made. This legislation should not be used as an express or implied decision about the powerline or its routing. Rather, we should expressly assure the public that all appropriate alternatives will be studied and analyzed as required by the National Environmental Policy Act of 1969 and other laws.

Does Kofa Lands Deletion Solve a Serious Problem?

On the matter of existing management problems related to the administration of the rights-of-way corridor, The Wilderness Society has asked the FWS for details about the exact nature of the management problem and any recommendations the Service has recently made regarding corrective needs. Thus far, we have been unable to learn anything other than that the agency has suddenly decided that the corridor represents a "management problem." We are continuing to study the matter and are prepared to work with the FWS and the Congress to find and provide solutions to the problem.

Are the Kofa Provisions Needed for This Exchange?

When the Kofa provisions of the exchange were announced, we were told that the Kofa NWR land deletion and transfer to the BLM were "essential" for the exchange. It has been suggested that Administration support for the exchange hinged on the inclusion of these elements in the legislation. However, the originally announced exchange belies this assertion. As late as January 1988, the original exchange met the condition of equal fair market values and public benefits were clearly enhanced.

We can find no adequate justification for deletion of the Kofa NWRs, particularly in light of the strong research evidence that the interconnected bighorn populations that use them should be administered as a single unit. Rather, logic indicates that the President's 1976 proposal to add the New Water Mountains to the refuge, thereby consolidating and unifying administration and management, is far superior to the present proposal. As we have detailed above, the inclusion of the Kofa provision sets a bad precedent for the National Wildlife Refuge System. It replaces proven, successful management programs on the refuge lands with uncertainty. It increases the costs for federal administration of the lands and the powerline corridor. The Kofa land deletion is not needed for any immediate powerline construction as there is no current powerline proposal nor does it offer improvement in the available options for possible future powerline routings. Finally, the provision is completely unrelated to resolution of the basic issues that initiated this exchange. It is our conclusion that the Kofa land deletion should be removed from the bill and we urge the Committee to do so.

THE CABEZA PRIETA NATIONAL WILDLIFE REFUGE

The lands to be added to the Cabeza Prieta NWR have been known as valuable potential additions to that refuge for many years. The wilderness study and 1974 Cabeza Prieta wilderness recommendations by the FWS and the President proposed that these same lands be added to the refuge and that most of them be designated wilderness. However, the area in question was legislatively withdrawn in 1986 as a part of the Military Lands Withdrawal Act (P.L 99-606). Thus, jurisdiction over and primary administration of these lands rests with the Department of the Air Force. It is important that they and the FWS develop a Memorandum of Understanding to specify the activities, uses, access and responsibilities for the proposed refuge addition before the lands are added to the refuge.

Adding these lands to the refuge would not preclude the pilot training mission of the military in this area nor would it eliminate the hunting program in the Tinajas Altas Mountains currently administered by the Arizona Game and Fish Department. Conversely, refuge management and administration of this area would improve protection of wildlife habitats from damages caused by off-road vehicle uses and the resulting disturbances to bighorn sheep, and vandalism of sheep watering devices and important archeological and historical resources found in this area. If the military and the FWS can prefect an agreement that can meet the management needs of both agencies (and we know of no reason why they cannot), then we have no objection to this addition. However, if an agreement cannot be reached and unsolvable conflicts between agency missions will result, then we recommend that the area not be added to the refuge system until some satisfactory arrangement can be achieved.

CONCLUDING REMARKS

In closing, Mr. Chairman, I would like to reiterate that The Wilderness Society and others are anxious to see the benefits of the Santa Rita Land Exchange proposal, as announced in December of 1987, come to fruition as soon as possible. We do, however, object to allowing a proposed powerline to interfere with five decades of successful refuge management. This line cannot be allowed to threaten the integrity of the National Wildlife Refuge System.

If Congress agrees to delete integral habitats of Kofa to allow powerline development, what will stop other refuge deletions for other commercial developments? If this measure sets the ground rules for how we handle conflicts between development and wildlife protection in our refuges, Mr. Chairman, then the entire National Wildlife Refuge will be in jeopardy. We urge you to delete this objectionable provision and to develop and pass a revised Santa Rita Bill.

APPENDICES

Appendix A

United States Department of the Interior
FISH AND WILDLIFE SERVICE
POST OFFICE BOX 1306
ALBUQUERQUE, N.M. 87103

In Reply Refer To:
Region 2: RF

MAY 2 7 1987

Mr. James W. Kahle
Southern California Edison Co.
P.O. Box 800
Rosemead, California 91770

Dear Mr. Kahle:

This will respond to your April 29, 1987, letter requesting information or comments on the proposed Devers-Palo Verde #2 500kV Transmission Line Project. There are several incorrect, or at least, speculative assumptions with which the U.S. Fish and Wildlife Service (Service) does not agree, contained in your reasons for selection of the preferred alternative routing of the transmission line.

Your letter states that "the preferred route is within a Bureau of Land Management (BLM) approved utility corridor and would impose no major land use conflicts." The Service has the sole authority to approve utility corridors on the Kofa National Wildlife Refuge (NWR). Your assumption that this route across the Kofa NWR would impose no major land use conflicts is not shared by the Service. We believe that the verdict is still out on the impacts to sheep management that the initial Devers-Palo Verde line is having, and we are certainly not in agreement with you that a second line with its additional width and tower requirements will not cause any major land use conflicts. The visual impact of the first line is quite apparent. A second line will certainly not lessen visual impacts related to construction of the proposed Devers-Palo Verde #2 as is suggested in your letter. It is speculation on your part that sensitive biological resources existing along the right-of-way will not be significantly impacted by the project. We believe that sheep, other wildlife resources, and their habitat may very well be significantly impacted by the project. Subalternate Routes 1 or 2 would not impact the refuge. Cultural resource assessments have been accomplished along these routes as well.

The concerns we have expressed in this letter are not new. We have relayed to Southern California Edison Company and the Riverside Office of the U.S. Bureau of Land Management that the Service is adamantly opposed to any route of this line that crosses the Kofa NWR. There are environmentally and economically acceptable alternatives.

The recently received supplementary environmental impact statement (SEIS) prepared by the Riverside, California, office of the Bureau of Land Management (page 21) states:

> The Brenda Northern Alternative 2 route actually crosses through or near less high density bighorn sheep habitat and movement areas than the proposed (Kofa) route.

The major point of adverse impact to the bighorn sheep thought to have been avoided by not selecting the Brenda route was the known sheep lambing area on Scadden Mountain, lying within 0.5 miles of the Brenda route. Selection of the Kofa route did avoid this lambing area but infringed upon the then unknown lambing area of the Livingston Hills. A slight modification to the Brenda (Northern Alternative 2) route would have avoided impacting Scadden Mountain and would still, if implemented, render the northern route much less damaging to bighorn sheep than the Kofa route. Concommitantly with this realignment, human access to the Brenda transmission line route and to the Scadden Mountain lambing area can be administratively controlled through road closures or placement of the access roads in a manner not conductive to unauthorized access.

Availability and use of utility corridors have been major factors in determining not only the alternative routes under consideration for this transmission line, but also proposed routes for any future lines. In supplying the major use markets of Southern California with electricity from developed energy sources in Arizona, the area of southwestern Arizona is the most likely site to carry the east-west transmission lines from source to market. We anticipate the need for coordinated use of adequately sized corridors. In the recently published Final Lower Gila South Wilderness Environmental Impact Statement prepared by the BLM, a 1/2 mile wide corridor capable of carrying two interstate pipelines and two ultra-high voltage (500 kV) transmission lines have been designated along portions of Interstate Highway 10. The BLM's wilderness proposal for the New Water Mountains (encompassing portions of the Service's proposed Kofa wilderness addition) has been delineated to accommodate the presence of such a corridor. Such accommodation was accomplished by drawing back the northern boundary of the wilderness proposal to allow passage of the corridor between wilderness lands and the highway.

Such accommodation can also be provided along the northern boundary of the Kofa wilderness addition proposal which extends further west along Interstate 10 than the BLM's New Water Mountains area. By pulling back our recommended northern boundary of the proposed Kofa addition south from Interstate 10, sufficient room for a corridor would be provided and the transmission line could pass through leaving the refuge without further impacts.

This office strongly urged the elimination of the Kofa route as the preferred alternative at the inception of the planning stages of this proposal. We have not altered our objections and again must state that the proposed routing is incompatible with the purpose for which the Kofa NWR was established. The preferred alternative for the Devers-Palo Verde #2 500kV Transmission Line should be the Brenda (Northern Alternative 2) route with slight modifications to protect the Scadden Mountain lambing area. The environmental impacts of the Kofa NWR alternative should be fully detailed in the SEIS analysis.

Sincerely,

Regional Director

Appendix B

YUMA AUDUBON SOCIETY
P.O. Box 6395
Yuma, Arizona 85364

July 7, 1987

William Haigh
California Desert District
U.S. Bureau of Land Management
1695 Spruce Street
Riverside, CA 92507

Dear Mr. Haigh:

The following are Yuma Audubon's comments on the Devers-Palo Verde No. 2 500 kV Transmission Line Project Supplemental Draft Environmental Impact Statement.

The two major problems with the Draft EIS are 1) failure to "explore and objectively evaluate all reasonable alternatives" as required by the Council on Environmental Quality (CEQ) National Environmental Policy Act (NEPA) implementing regulations (40 CFR 1502.14(a)) and 2) failure to assess cumulative impacts, as required by the CEQ NEPA implementing regulations (40 CFR 1508.25, 1508.27(b)(7)).

FAILURE TO EXPLORE AND EVALUATE ALL REASONABLE ALTERNATIVES

The EIS emphaisizes how important it is to stay within BLM's designated utility corridors. We, of course, agree that it is best to designate widely accepted corridors and then stick to them rather than handle each utility line on an individual basis. However, the DEIS did not consider the only acceptable route totally within a BLM utility corridor: follow the existing Palo Verde-Devers route to where it either first crosses I-10 (about 7 miles west of Tonopah) or where it crosses I-10 for the second time (with the CAP Canal), and then follow I-10 to the Colorado River. This is utility corridor 10 in the Lower Gila South Resource Management Plan (RMP) (shown on p. 5) and utility corridor UC-7 in the Yuma District RMP (shown on Map 8). The EIS even omits this BLM-approved utility corridor from the maps in the pockets in the back of the EIS! (and it should be on Map 6-AZ, not 5-AZ as the text states on p. 81). Why was this information suppressed? Surely BLM knows where its utility corridors are.

The Preferred Alternative (the existing PV-D #1 route) follows designated utility corridors only part of the way because BLM's corridors run up to the Kofa Refuge but do not cross the refuge since BLM has no authority to designate utility corridors in a National Wildlife Refuge. Thus, if staying within designated utility corridors is a (or the) major criterion governing route selection, utility corridors 10 (Lower Gila South) and 7 (Yuma District) are vastly superior. These utility corridors have been established since the PV-D #1 Final EIS, and therefore even if an all I-10 route was considered in that EIS (and we don't find any evidence it was), it must be considered in the Supplemental EIS, which is supposed to update what has happened since the Final EIS for PV-D #1.

Objection to the Northern Alternative 2 (which we favor among the alternatives presented in the EIS) as being (but only in part) outside a BLM-designated utility corridor is a ruse on BLM's part to supposedly make that route look inferior to the existing powerline route (EIS, p. 124). BLM never considered their own designated utility corridor along I-10! Why bother to designate utility corridors if they will not even be evaluated in an EIS? And the most controversial part of the Northern Alternative 2, through Plomosa Pass, IS within a BLM-designated utility corridor. BLM had ample opportunity to reject I-10 as a utility corridor in the RMP process but did not. This means it is a suitable corridor to BLM and BLM should live by its decision.

Similarly, the La Posa Long Term Vehicle Area (LTVA) and high density archaeological sites in the same area (EIS, p. 128) could be avoided by following BLM utility corridors in the Yuma District if BLM wants to route the second line through Copper Bottom Pass in the Dome Rock Mountains rather than along I-10: at Quartzsite, where the line is in utility corridor (UC) 7, turn south and follow UC-9 along US 95, then turn northwest at the existing Edison line and follow UC-8 through Copper Bottom Pass.

We also note that BLM easily and rapidly approved construction of the All American crude oil pipeline outside an approved utility corridor in the California Desert Conservation Area (CDCA). The Yuma District already has considered at least one amendment to their RMP. We have seen how fast BLM plans can be changed when BLM feels the necessity and doubt that approving Northern Alternative 2 would involve a significant delay--unless BLM dragged its feet.

FAILURE TO ASSESS CUMULATIVE IMPACTS

BLM must recognize that whichever route is selected, impacts will come not only from this single power line but from future utility lines (above and below ground) from central Arizona to the Los Angeles area, the Gulf of Mexico to the Pacific Ocean, and southern transcontinental routes. Unfortunately, this EIS takes a narrow view of impacts, limiting their assessment to only this specific power line. Again, this gives a distorted picture which BLM uses to claim superiority of the PV-D #1 route, and fails to conform to CEQ requirements on EISs.

The Northern Alternative 2 (or perhaps an all I-10 route, but we don't know since it was never analyzed) is clearly superior to the proposed route when cumulative impacts are considered. It is true that Northern Alternative 2 would involve establishing some new right-of-way, but once established, future lines (including underground gas, petroleum, and telephone) would then follow an established right-of-way.

Why is Northern Alternative 2 superior to the Kofa route? Because the proposed Kofa route involves more adverse impacts:

--> It crosses more high density Bighorn Sheep habitat and known movement corridors (Kofa--17 miles; N. Alt. 2--10.6 miles; pp. 118, 121-122 in EIS).

--> It crosses more sensitive plant habitat involving four species: Cereus greggii (Arizona Queen-of-the-Night Cactus), Opuntia wigginsii (Wiggins' Cholla), Colubrina california (California Snake Bush), and Tetracoccus fasciculatus var. acanthodes).

--> It crosses more miles adjacent to Wilderness Study areas in the BLM Lower Gila Resource Area and the Kofa National Wildlife Refuge (this can be seen just by looking at the maps; Kofa--21 miles; N. Alt 2--6.8 miles; EIS, p. 88).

--> It crosses more miles of sensitive visual resource areas, namely those of Class A Scenic Quality (Kofa--15.2 miles, N. Alt. 2--2.8 miles; VRM Class II (Kofa--29.1 miles, N. Alt. 2--21.2 miles) and fewer miles in visual resource areas where "major modification" is allowed (Kofa--11.5 miles, N. Alt. 2--21.5 miles; EIS, p. 88).

--> It crosses more mountainous topography with moderate to high soil erosion hazards (EIS, pp. 64, 110).

In this light, Table 4-2B on p. 42 of the EIS, which claims that the proposed route is environmentally preferable, is clearly biased and overgeneralized. According to the EIS, the proposed route through the Kofa Refuge is clearly preferred over the alternatives on only three grounds: new right-of-way required, land use, and cultural-historical resources. The Northern Alternative 2 is never the least preferred route.

We have already shown that the purported right-of-way advantage of the proposed route vanishes when cumulative utility lines are considered. The preferability of the proposed alternative as regards land use is highly questionable. The incompatability decision of the Kofa Refuge negates this supposed advantage of the Kofa route. Finally, concern about cultural resources largely centers on the area of the La Posa LTVA. BLM has shown the regard it has for this sensitive cultural resource area by locating a Long Term Visitor Area there. This LTVA goes right to the east side of Tyson Wash where "one particular area of high density is where the route crosses Tyson Wash" (EIS, p. 99). We think the impact of thousands of winter visitors taking walks to the wash and poking around to see what they can find is a much more significant impact than a powerline, especially when it can be located within the right-of-way so as to avoid sensitive cultural resource areas. If this area is so sensitive culturally, why is it an LTVA? Why isn't it an Area of Critical Environmental Concern (ACEC)?

IMPACTS TO BIGHORN SHEEP

BLM's main concern about using the Northern Alternative 2 focuses on impacts to the Bighorn Sheep lambing area at Scaddan Mountain. However, the concern is not the effects of the powerline itself on the sheep, but rather that there may be increased access which may lead to greater human impacts on the sheep (EIS, p. 73).

Once again, this is a counterfeit issue. First, there already is considerable access into Scaddan Mountain. The east side is accessed by Gold Nugget Road, which ends at the Belle of Arizona mine. The north side of the mountain is accessed by a road or way to a gravel pit in Sec. 23, T. 4 N., R. 18 W. The south side (in Sec. 34, T. 4 N., R. 18 W.) is accessed by a jeep trail which branches from the road to Plomosa. The area southwest of Scaddan Mountain is riddled with mines and tailings, making it attractive to prospectors, rockhounds, mining buffs, and general curiosity seekers. Thus it appears there is already an access "problem" at Scaddan Mountain. By contrast, there is much less access to the Livingston Hills, which also contain a Bighorn Sheep lambing area. The Livingston Hills are about the same distance (or less) from the PV-D #1 line as Scaddan Mountain would be from the PV-D #2 line.

However, as the EIS admits (p. 122), moving the centerline of Link 4b would increase the distance from the line to Scaddan Mountain and limit access. Fencing and gating could also be used if necessary to prevent new access into the area. We recommend that BLM do this. Moreover, if Scaddan Mountain is a critical Bighorn Sheep lambing site, we recommend that BLM designate it an ACEC. Why hasn't this been done already?

We object to the weight given to comments by the Arizona Desert Bighorn Sheep Society in BLM's decision to use the Kofa route (EIS, pp. 121, 126). We urge that other private organizations with an interest and expertise in wildlife be given equal weight. These would include the Wilderness

Society, Sierra Club, and Audubon Society. What was the effect of PV-D #1 on access to the Livingston Hills lambing area? Surely the road was upgraded to provide access for construction of the line. These impacts were never assessed because the Livingston Hills lambing area was not known at the time of the PV-D #1 EIS. However, these impacts should be evaluated as cumulative as part of the present PV-D #2 EIS. We find no such assessment.

Finally, the impacts of I-10 on Bighorn Sheep in the Plomosa Mountains should be assessed in this EIS. It seems likely that an Interstate Highway would have tremendous impacts on Bighorn Sheep movement, with its fenced right-of-way, speeding cars and large trucks, and blinding lights at night.

VISUAL RESOURCES

The present EIS admits that the PV-D #1 EIS seriously underestimated the visual impact of building a powerline across a National Wildlife Refuge with the Kofa's scenic grandeur (p. 132) and notes that in Plomosa Pass there are many visual distractions, such as the Interstate Highway itself, one (and eventually two) crude oil pipeline rights-of-way, and heavy vehicle traffic, including many large trucks (p. 135). Map 18-AZ should be changed to reflect this assessment.

Adding more towers to the Kofa Refuge WILL make a significant impact. Most people traveling the Kofa Refuge drive more slowly than those on I-10. They also come to see the refuge, while most travelers on I-10 don't drive it to see the Plomosa Mountains--their interest is to get from Phoenix (or farther east) to Los Angeles (or the opposite direction) as fast as they can. Given the speed of travel and the distance the powerline will parallel I-10 in Northern Alternative 2, people on I-10 will see a lot less powerline than will travelers to the Kofa Refuge. By the time they get to Blythe or Tonopah, I-10 travelers will have put the powerline in the back of their memories, if not forgotten it entirely. But travelers to the Kofa Refuge will remember colossi that loomed over them all across the refuge. Another set of towers would further compound the visual impact.

WILDERNESS

While we would prefer that Link 17 of the Northern Alternative 2 be used, which would put the powerline north of I-10 and avoid crossing a Wilderness Study Area, we could support release of enough of the New Water Mountains WSA to provide a powerline right-of-way if wilderness were also designated as part of the process. This need not be a long, drawn-out process. The entire Arizona Congressional Delegation is ready to work on a wilderness bill (see attached letter). Once

Congress decides to move on an issue, progress can occur very fast. Thus we urge Southern California Edison and BLM to work with us to resolve this issue concerning the New Water Mountains WSA and wilderness. The powerline itself could well serve as a further catalyst in speeding resolution of the wilderness issue.

TECHNICAL ASPECTS OF THE POWERLINE

What problems are seen with respect to production of nitrous oxide by corona resulting from the inordinately high voltage of this system? This is not addressed in the EIS.

What are the relative costs of underground vs. overhead transmission lines? The Pirelli patents of 60 years ago used 220 kV lines, and 345 kV underground lines are in use today. This was not addressed in the EIS.

What steps have been taken to avoid fouling and resultant energy losses on the PV-D #1 line? In standard practice (STANDARD HANDBOOK FOR ELECTRICAL ENGINEERS, Fink and Carroll, Section 17-207) urban areas require weekly inspection and service, while monthly intervals are preferred in more remote areas. This permits saving energy losses due to leakage and possible major accidents, which cost the consumer must ultimately bear.

The PV-D #2 line would be separated from the present transmission line by 130 feet. This represents a poor design practice to us. Hazards such as rockfalls, earthquakes, aircraft/vehicle strikes, or sabotage/terrorism would be greatly reduced by a completely separate routing for the second transmission line, especially in the remote, isolated parts of Arizona. This issue was not addressed in the EIS.

The PV-D #2 line, at 1200 megawatts (MW) is a twin of the PV-D #1 line. Together, they would supply a total of 2400 MW. Each of Palo Verde's plants will have a maximum capacity of 1270 MW, but from experience with other nuclear plants, this maximum will never be attained--some nuclear plants operate at less than 30% capacity. Theoretically, by 1988 the three Palo Verde plants will have a combined capacity of 3810 MW. According to the Arizona Corporation Commission (this state's public utilities commission), the ownership and rights are: Arizona Public Service, 29%: Public Service of New Mexico, 17%: Salt River Project, 11% (down from 23%), El Paso Electric, 17%: leaving Southern California Edison 25%.

Since SCE owns 25% of the nuclear plants' output, it would never own more than a theoretical maximum of 970.6 MW. Yet the PV-D #1 line can carry 1200 MW. It is not clear why a second PV-D line is needed. The present one is operated at a maximum of 92.5% of a theoretical maximum of the nuclear generators that will never be reached because nuclear plants just don't attain their maximum.

(The comments in this section were submitted by Dr. Lothar Schmidt of the Yuma Audubon Society.)

MITIGATION

While mitigation measures for California are clearly spelled out in the EIR, corresponding mitigation measures for Arizona appear to be absent from the EIS. We can hardly comment on their adequacy if we don't know what they are. The only list we can find is in Appendix E to the EIS, but mitigation measures are identified only by number and there is no table explaining what the numbers mean.

This is another inadequacy of the EIS--by the time we find out what the proposed mitigation measures are, it will be too late for public comment to influence the final EIS.

Obviously, measures similar to those for California should be included as a minimum.

We also hope that archaeological surveys will not be run during the hot months of June through August again (EIS, p. 93). This can easily lead to missed sites because of the unpleasantness of the working conditions.

How many counterpoises had to be used on PV-D #1? These can extend 100 feet (EIS, p. 28). It would seem they could have a significant effect on the vegetation, especially if a large number are used.

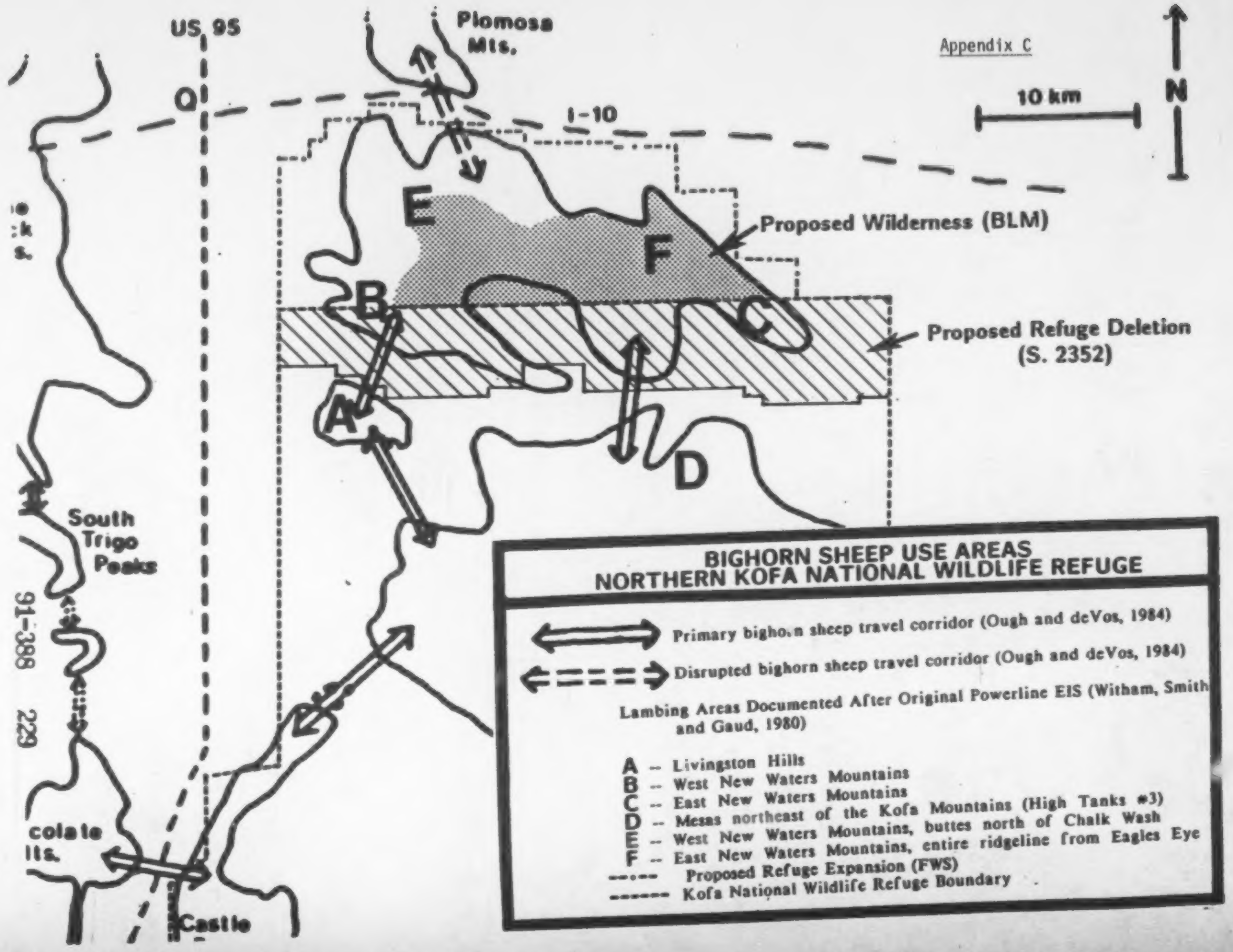
SUMMARY

The main point we wish to make is that Northern Alternative 2 is preferable to the route through the Kofa Refuge. A route following I-10 virtually all or most of the way through Arizona may also be preferable to the Kofa route, but we don't know because it was never analyzed in spite of the fact that it is a BLM-approved utility corridor.

We list the reasons above which support our preference, as well as the biases present in BLM's analysis which prevent reaching objective conclusions about the alternatives.

Thank you for the opportunity to comment on this proposal.

Appendix C


US 95
Q
Plomosa Mts.
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Proposed Wilderness (BLM)
Proposed Refuge Deletion (S. 2352)
South Trigo Peaks
colate lls.
Castle
BIGHORN SHEEP USE AREAS
NORTHERN KOFA NATIONAL WILDLIFE REFUGE
Primary bighorn sheep travel corridor (Ough and deVos, 1984)
Disrupted bighorn sheep travel corridor (Ough and deVos, 1984)
Lambing Areas Documented After Original Powerline EIS (Witham, Smith and Gaud, 1980)
A -- Livingston Hills
B -- West New Waters Mountains
C -- East New Waters Mountains
D -- Mesas northeast of the Kofa Mountains (High Tanks #3)
E -- West New Waters Mountains, buttes north of Chalk Wash
F -- East New Waters Mountains, entire ridgeline from Eagles Eye
Proposed Refuge Expansion (FWS)
Kofa National Wildlife Refuge Boundary

Senator WIRTH. Thank you, Mr. Reffalt.

It has just been noted as well and I would ask you if this is the case. The future of the power line project is in doubt since the company's applications for a certificate of public convenience and necessity to the California PUC have been turned down twice in the past years on the grounds that the lines are not economical.

Mr. REFFALT. That's correct. That is our understanding anyway.

Senator WIRTH. So, that would further buttress your argument that there is talk about doing this, but let's not delete it. Chances are there isn't going to be a power line across there anyway. Is that right?

Mr. REFFALT. That is correct to a point. The Public Utilities Commission in California did agree to join with California Edison to do a study. The earliest date for startup under that study provision is 1993. California Edison agreed to that, and that is why we said in our testimony that there might be a proposal later this year.

In the meantime, merger negotiations between California Edison and another company mean that if that becomes a merger, there is another line owned by the other company that could immediately carry the power that California Edison wanted to take out there anyway and there wouldn't be a power line.

Senator WIRTH. So, it's 1993.

Mr. REFFALT. That would be the earliest date.

Senator WIRTH. The earliest date.

Southern California Edison's testimony says that the Kofa—this is their position outline. It says that the Kofa National Wildlife Refuge ought to be deleted because this will "provide Edison assurance of timely licensing of its proposed Devers-Palo Verde transmission line no. 2." Now, what does "timely" mean do you suppose? Is that 1993 at the earliest?

Mr. REFFALT. I am not sure when they took that position, but as of right now Devers no. 2 is not——

Senator WIRTH. This is August 3——

Mr. REFFALT. Well, they apparently are still striving to get somebody to agree——

Senator WIRTH [continuing]. 1988. So, that is yesterday or the day before.

Mr. REFFALT. They are apparently still striving to get somebody to agree to Devers no. 2. But that was the proposal that the PUC in California said was uneconomic and denied the permit on.

Senator WIRTH. But they say timely licensing. "Timely" seems to be the operative word, and you are saying nothing can be done until 1993 at the earliest. Is that right?

Mr. REFFALT. That is what it looks like right now.

And then we would also offer that the corridor to the north which, based on all the recent biological evidence, is less environmentally damaging, can be made available, in fact, is made available in this legislation.

Senator WIRTH. Thank you very much.

Our final witness this afternoon is Mr. Ray Housley, the Society of Range Management here in Washington. Mr. Housley, we have worked together before I think on various Forest Service issues. Is that right?

Mr. HOUSLEY. In our past configuration, yes, sir.

Senator WIRTH. It's nice to have you here.

STATEMENT OF RAY M. HOUSLEY, WASHINGTON REPRESENTATIVE, SOCIETY FOR RANGE MANAGEMENT

Mr. HOUSLEY. Thank you very much, Mr. Chairman.

Our testimony addresses only the portions of this bill which deal with the Santa Rita Experimental Range itself. And we would not object to enactment of S. 2352 provided it is amended to require that the entire tract revert to the United States in the event of any change in its status as a permanent site for long-term ecological research.

I want to point out that assuming that funding is available—and that may be a great assumption in itself—we certainly have no reservation about the University of Arizona's ability to execute an excellent, continuing long-term research program at Santa Rita. But our basic concern is that future financial exigencies in the state might lead to disposal of all or part of the Santa Rita for some other uses. Permission of the Arizona legislature would be required, that is true, but that could be a small obstacle. Our concern rises from from some of the statements that proponents of the legislation have made as the proposal developed.

There is correspondence that deals with the very high value of the land, its potential for development even today, much less in the future. There is a discussion of short-term, in our view, 25, 30, 50 year periods for continuing the research which we feel needs to be couched in far more permanent terms.

Finally, we recognize that a reverter clause could be removed by action of the Congress and the President at any time, but we believe that the values at stake at Santa Rita are so great that the Congress should review and act upon any proposal for future change in status at Santa Rita. The statement of intent in the legislative history has been suggested as an alternative to legislative language, but that would not ensure future congressional review nor have the force of law, of course.

With that, Mr. Chairman, we will submit our full statement for the record.

[The prepared statement of Mr. Housley follows:]

SRM SOCIETY FOR RANGE MANAGEMENT

STATEMENT OF
RAY M. HOUSLEY, WASHINGTON REPRESENTATIVE
SOCIETY FOR RANGE MANAGEMENT

Before the Subcommittee on Public lands, National
Parks and Forests
Committee on Energy and Natural Resources

Concerning S. 2352, The Santa Rita Public Land Exchange Act

August 4, 1988

MR. CHAIRMAN AND MEMBERS OF THE SUBCOMMITTEE:

We appreciate this opportunity to present our views on S. 2352 concerning the transfer and exchange of the Santa Rita Experimental Range and other lands in Arizona.

The Society for Range Management is an international professional society and conservation organization committed to the advancement of science and art in wisely managing and using rangelands for all their values while perpetuating healthy ecosystems for the future.

Our testimony will address only the portions of the bill affecting the Santa Rita Experimental Range itself. *We would not object to enactment of S. 2352 provided it is amended to require that the entire tract revert to the United States in the event of any change in its status as a permanent site for long term ecological research.*

Comprising more than 50,000 acres, the Santa Rita is the oldest experimental range in the United States. Continuous ecological research records date back to its establishment in 1903. More than 400 scientific publications along with a network of permanent plots and transects form the best possible basis for future research applicable to 20 million acres in the arid southwestern United States, a large area in northern Mexico, and extensive areas of arid and semi-arid lands in developing nations around the world. An official of the University of Arizona has said these records may well provide the most important ecological information available as we seek solutions to the impacts of urbanization. We consider the Santa Rita irreplaceable.

Assuming that funding is available - and that is perhaps a hopeful assumption - we have no reservations about the

University of Arizona's ability to execute an excellent continuing long-term research program at Santa Rita. Our *basic concern is that future financial exigencies in the State might lead to disposal of all or part of the Santa Rita for other uses.* Permission of the Arizona legislature would be required, but that could a small obstacle. Our concern rises from some of the statements of proponents as this proposal developed:

Correspondence last year indicated the potential for development and income of some of the Santa Rita lands, and their value was estimated (not appraised) at "well over $100 million". Even after commitment was expressed to provide for continued research at Santa Rita by the University, proposals were couched in terms of 25 years, with other suggestions that research should continue for 30 to 50 years. These are not the terms usually associated with permanent dedication to a specific purpose.

There have been references to the State's inability to accept lands with encumbrances such as a reverter clause. If the enactment of Arizona Senate Bill 1249 earlier this year did not overcome this barrier, it seems reasonable to expect the legislature might more specifically deal with the issue, given its clear support for the exchange. This would be a more expedient solution than seeking other BLM lands acceptable to the State, as has been suggested in an alternative we also consider suitable.

Finally, we recognize that a so-called "reverter clause" can be removed by action of the Congress and the President. But we believe the values at stake are so great that the Congress should review and act upon any proposal for future change in the status of the Santa Rita. A "statement of intent" in the legislative history has been suggested as an alternative to legislative language; that would not ensure future Congressional review, nor have the force of law.

In closing, we want the Subcommittee to know that SRM appreciates the sincere efforts of Arizona Land Commissioner Hassell and BLM State Director Bibles to resolve the concerns of our members. Our remaining problem, however, seems to require legislative action.

Mr. Chairman, thank you for including us in this hearing.

1988 AUG 8 AM 10 12

SRM SOCIETY FOR RANGE MANAGEMENT

6512 Orland Street, Falls Church, VA 22043 Tel. 536-8139

August 5, 1988

The Honorable Dale L. Bumpers
Chairman, Subcommittee on Public Lands,
National Parks and Forests
Committee on Energy and Natural Resources
308 Dirksen Building
United States Senate
Washington, DC 20510-6150

Dear Mr. Chairman:

On behalf of the Society for Range Management, I want to express our appreciation for the opportunity to participate in the Subcommittee's hearing on S.2352. The bill is significant in its potential impact, and we found the hearing instructive.

Because of one issue that was dealt with in testimony of other witnesses, we request that the following information and ideas be added to the hearing record and considered as the Subcommittee marks up the bill.

Much has been made of the point that the State of Arizona cannot accept title to land encumbered in any way. We simply want to suggest that there may be ways to overcome this apparent barrier so that the reverter clause we advocate could be included in the law. In fact, there seem to be precedents for the State, and the University of Arizona in particular, to accept title specifically providing for reversion to the United States.

In 1958, PL 85-812 (72 Stat.979) authorized the Forest Service to convey to the University of Arizona 350 acres on Tumamoc Hill in Tucson. This was the site of the headquarters of the Southwestern Forest and Range Experiment Station for many years. Pursuant to that law, the Forest Service deeded the tract to the Board of Regents July 6, 1960, with a stipulation in the deed that the land would revert to the grantor should it cease to be used for purposes of research and education. This provision was apparently based on the

fact that the acquisition was made below the fair market value of the land. Subsequently, the reverter clause was released to facilitate an exchange between the University and St. Mary's Hospital, but the requirement was transferred to the lands acquire by the University.

There appear to be a number of parallel circumstances in the current issue about Santa Rita. The acquisition by the University is to be made by legislatively directed exchange apparently below fair market value with the stated purpose of conducting continuing ecological research.

There are also parallels in numerous transfers by BLM to the State under the Recreation and Public Purposes Act. These transfers, like those made under the Bankhead-Jones Act, routinely provide for reversion in case of termination of the use for which lands were acquired.

It occurs to us that given the above precedents and parallels, it might well be possible for talented attorneys and legislative technicians to devise language to guide a process which would be acceptable both to the State and to those who are so concerned about the perpetuation of the invaluable scientific records at Santa Rita. We know that neither BLM nor the Arizona State Land Department want to delay further for any reason, but we hope time will be taken to assure that every avenue has been explored to assure the legislation protects the interests of all concerned.

Sincerely,

R. M. Housley

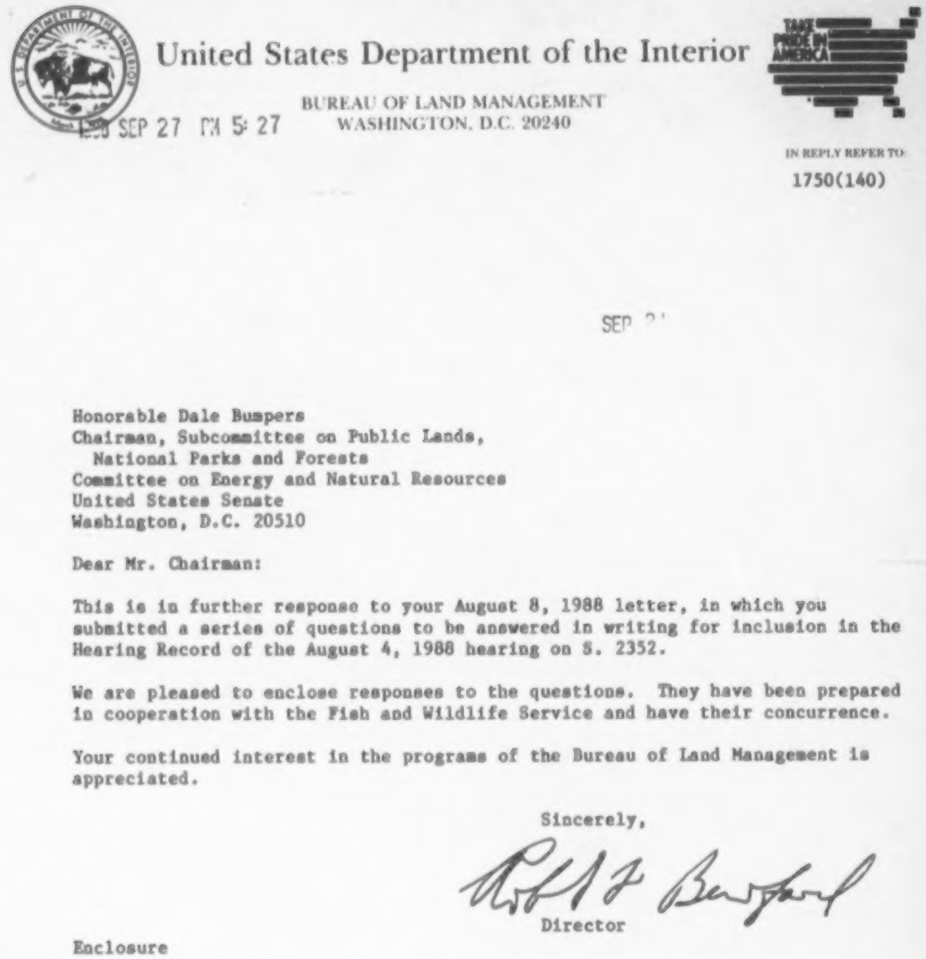
Ray M. Housley
Washington Representative

Senator Wirth. Great, Mr. Housley. We thank you very much and your statement will be included in full in the record as will that of all of you. The record will be open for a few days if any of you have any further comments that you might like to make or any of the other witnesses have any comments that they might like in response to the discussions we have had. We appreciate all of you being here and helping us out on S. 2352, and look forward to working with you all. Thank you very much for being here.

[Whereupon, at 4:22 p.m., the hearing was adjourned.]

APPENDIX

RESPONSES TO ADDITIONAL QUESTIONS



United States Department of the Interior

BUREAU OF LAND MANAGEMENT
WASHINGTON, D.C. 20240

SEP 27 PM 5: 27

IN REPLY REFER TO:
1750(140)

SEP

Honorable Dale Bumpers
Chairman, Subcommittee on Public Lands,
National Parks and Forests
Committee on Energy and Natural Resources
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman:

This is in further response to your August 8, 1988 letter, in which you submitted a series of questions to be answered in writing for inclusion in the Hearing Record of the August 4, 1988 hearing on S. 2352.

We are pleased to enclose responses to the questions. They have been prepared in cooperation with the Fish and Wildlife Service and have their concurrence.

Your continued interest in the programs of the Bureau of Land Management is appreciated.

Sincerely,

Robt F Burford
Director

Enclosure

Questions from Senator Bumpers

1. Q. Would you support this bill if the proposed boundary change for the Kofa National Wildlife Refuge was deleted from the legislation?

   A. No, the package as introduced is a total package that should not be separated. Without the Kofa boundary change, the Administration will not support the Bill.

   Both the Bureau of Land Management and the U.S. Fish and Wildlife Service (FWS) view the inclusion of lands of the Kofa National Wildlife Refuge (Refuge) in S. 2352 as an essential element to a comprehensive exchange. Use of the Kofa lands will achieve equity in the lands to be exchanged between agencies and allow the Fish and Wildlife Service to remove all State lands (and their attendant annual lease payments) from the Buenos Aires Refuge.

2. Q. Has the recently proposed 500 kV powerline been judged by the Fish and Wildlife Service to be compatible with the Kofa Wildlife Refuge?

A. No compability determination has been made concerning the recently proposed 500 kV powerline crossing the Kofa Refuge. The management of the Kofa Refuge is directed toward the conservation of the natural resources of the Sonoran Desert, including the desert bighorn sheep inhabiting Refuge lands. Analyzing all other proposed uses on those lands by judging whether such uses would be compatible for the purpose for which the Refuge was established is a process the Fish and Wildlife Service employs at every unit of the National Wildlife Refuge System.

This process of compatibility analysis begins after submission of a request for a right-of-way permit. Prior to the formulation of the exchange proposal, only a preliminary permit request was received for the proposed 500 kV transmission line. That request was held in abeyance pending the applicant's submission of results from a biological investigation of the impacts of the first transmission line on the bighorn sheep. Without that information, a compatibility determination would have been premature. Upon review of the data concerning the sheep, the Fish and Wildlife Service could find no evidence of adverse impact on these animals wrought by the presence of the powerline. As a result of these findings of no impact, the Fish and Wildlife Service determined that inclusion of Kofa Refuge lands in the exchange proposal would in no way act to the detriment of the sheep.

3. Q. Does the Fish and Wildlife Service have an existing proposal to expand the Kofa refuge to the north to include the New Water Mountains?

A. In 1974 the Fish and Wildlife Service made application (A-7950) to the BLM to withdraw 83,500 acres of public domain land lying to the immediate north of the Kofa Refuge's northern boundary. The New Waters Mountains were included in this withdrawal application. The application will expire in 1991 and we have been advised by the Fish and Wildlife Service that they do not intend to pursue withdrawal.

4. Q. Is there any documentation to support BLM's claim that the existing powerline and pipeline through the Kofa Refuge are significant management problems for the FWS?

A. BLM has not claimed that there was a significant management problem for FWS. BLM has indicated that there has been a significant problem for Interior in many major interstate energy rights-of-way where one agency has the responsibility and deals with the holders of rights-of-way for all but a small portion of these major energy corridors. Further, because of BLM's more extensive background in managing rights-of-way of this nature, we believe conflicts can be more easily resolved under BLM management. This is particularly true in this situation, where BLM currently manages large segments of these energy rights-of-way.

As stated in response to the second question, the most current scientific data available do not indicate a significant adverse impact on the desert bighorn sheep of the Refuge attributable to the rights-of-way. The inclusion of the Refuge in the exchange proposal was not due to a management conflict of the existing or proposed utility corridor but, rather, to achieve a more logical northern boundary for the Kofa Refuge at the corridor and to retain the integrity of all components of the proposed exchange, the most urgent of which is relief from the constantly escalating lease charges at the Buenos Aires Refuge.

5. Q. Does the Fish and Wildlife Service still think that a recently proposed 500 kV powerline should be routed on BLM land next to Interstate 10 rather than through the existing wildlife refuge?

A. Until the wilderness designation proposals affecting lands along Interstate 10 are acted upon by Congress, co-locating the proposed 500 kv powerline with this interstate would not be permitted. Such an action would merely trade one management problem for another. We have no information as to when a statewide wilderness bill may be introduced. In the interim, S. 2352 provides a unique opportunity to resolve long-standing management questions and constraints, while benefitting, to the maximum extent possible, the resources supported by the lands involved.

6. Q. Would transferring the Kofa Refuge lands to BLM as proposed in S. 2352 make it easier for the Secretary of the Interior to approve the proposed 500 kV powerline through this area because this project would no longer have to be "compatible" with refuge purposes as current regulations require?

A. Overall administration of this existing corridor would be easier than managing it the way it is today.

Transfer of the designated Kofa Refuge lands to the BLM would allow BLM to assume full responsibility for the utility corridor crossing southern California and Arizona and providing passage for the existing powerline. BLM already administers segments of this corridor lying to the east and west of the Refuge and the transfer of the Kofa segment to BLM would link the two outlying portions. Removal of these lands from the Refuge would render a FWS determination of compatibility unnecessary. Regardless of which agency administers the utility corridor, there has been no documentation of any adverse impacts of the corridor on desert bighorn sheep. Bighorn Sheep cannot be viewed as an impediment to powerline construction. However, development and use of the corridor would remain subject to the National Environmental Policy Act of 1969, the Endangered Species Act of 1973, the Federal Land Policy and Management Act of 1976, and all other pertinent State and Federal legislation.

7. Q. Does S. 2352 open any of the New Water Mountains area (proposed in the past for addition to the Kofa Refuge) to mining, or would the Administration propose to open any of these lands to mining?

A. S. 2352 does not "open" any area to mining. To the contrary, it closes the entire Kofa and additions, as well as the New Water Mountains Wilderness, permanently to mining.

The Administration does not propose opening any lands. Those areas currently closed will be considered under the land-use planning process prior to any decision to "open." As is the practice, there will be public involvement in this process.

8. Q. When did the proposed Kofa boundary change become part of the land exchange package which eventually became S. 2352?

A. The proposal began with just the proposal to use some of the Santa Rita Research Range for repayment of the CAP indebtedness to the State. As the idea progressed, Catalina State Park, the Black Canyon corridor and only the University Grant lands within the Buenos Aires NWR (about 37,000 acres) plus the 11,500 acres already being negotiatd between FWS and the State of Arizona were added to the proposal.

The proposed modification to the northern boundary of the Kofa Refuge was incorporated into the exchange proposal during discussions between the FWS and the BLM in early October 1987. In the early stages of consideration of the exchange proposal the concept evolved from smaller-scaled individual land trades to a cohesive whole that would resolve long-standing management constraints of all participating agencies. During that time, the primary concern of the Fish and Wildlife Service that all of the State lands within Buenos Aires Refuge be traded out and the lease payments for those lands removed from the limited operating budget of the Refuge was discussed and the use of Kofa Refuge lands was selected as a solution to that concern.

Questions from Senator Bingaman.

1. Q. You have emphasized the value of long-term records like those available at the Santa Rita Experimental Range. Would you elaborate on what you mean long-term records and why they are so important?

   A. We believe long-term records would be valuable in measuring either changes or stability over time and could reflect changes which may be occurring due to long-term weather or atmospheric changes that impact management decisions. While the station has been in existence since 1903, the quality of records may or may not be thorough enough to have consistent records since 1903.

   Information available to Interior appears to reflect primarily range, grazing and weather data. However, since the initial proposals and withdrawal review, it appears that the University of Arizona and others have been securing other ecological baseline data which they expect to be able to use to re-analyze older data to extend the record.

2. Q. Are comparable long-term baseline records available elsewhere in the Southwest?

   A. There are several research stations located in the Southwest. The extent of records in the University and private sector, as well as in Federal agencies, is not known. One facility that had long-range records was in Fort Stanton, New Mexico.

3. Q. Do you have examples where long-term records have been effective in identifying or solving recent land management problems?

A. We are not aware of specific land management decisions that have been based on long-term records from this station. BLM and other agencies have utilized enclosures as a basis for prescribed management and comparison between grazed and non-grazed conditions with mixed results.

4. Q. The Committee may want to explore options for not only adding the weight of the U.S. Congress to the legislation passed by the State of Arizona that would protect ecological and rangeland research activities at Santa Rita but, in addition, extend the protection indefinitely. If so, would the Forest Service be willing to work with the Committee?

A. The University of Arizona has taken the strongest possible position for long-term protection of the Santa Rita. Additionally, the Arizona Attorney General has stated that the State's Enabling Act and Constitution prevent the State from accepting restricted or encumbered title in a land exchange associated with trust lands. We urge that the Committee be careful not to require patent provisions which would effectively "kill" the exchange. There are several reasons why the State of Arizona has strong need to protect Santa Rita --

(1) Santa Rita is representative of more State Trust lands than Southwest Forest or BLM lands.

(2) The University of Arizona is a world leader in the operation and study of outer space. One of the expensive and important multi-mirror telescopes is located immediately above Santa Rita on Mount Hopkins. It is very important to the State and the University that the Santa Rita area not be developed. Southern Arizona has protected these telescopes with tight regulations on light pollution and other actions to protect the telescopes.

BLM would have the responsibility for issuing any patents and administering any long-term restrictions. BLM is ready to work with the Committee on assuring protection of the area.

Questions from Senator Fowler

1. Q. Is there anything in S. 2352 that guarantees that cattle grazing will not be re-established on the lands proposed for deletion from the Kofa Refuge?

   A. S. 2352 does not specifically state that grazing shall not be reestablished on the lands. However, grazing is prohibited by law in the portion of the Kofa being added to the New Water Mountains Wilderness Area because it is not now allowed. Wilderness designation allows no new uses to be made on the lands for protection. Grazing is not specifically prohibited by the legislation on the remaining portion. As to this portion of the area, a final decision on grazing will be made through the BLM planning process. The planning process will include extensive public participation and, if section 7(b) of S. 2352 is enacted, restrict potential uses to those which will ". . . conserve, protect, and enhance the bighorn sheep and other wildlife and plant species contained on such lands." At present it appears unlikely grazing will be permitted.

2. Q. Is there anything in S. 2352 that guarantees that long-term visitor camping will not be re-established on the lands proposed for deletion from the Kofa Refuge?

A. Section 7(b) of the legislation provides that uses, including recreational development would be allowed, ". . . which will conserve, protect, and enhance the bighorn sheep and other wildlife and plant species contained on such lands." Any decision as to long term visitor camping would be made through the BLM planning process. This would include extensive public participation and would be accomplished in accordance with section 7(b), if S. 2352 is enacted.

3. Q. Wouldn't the addition of lands used for military training exercises to Cabeza Prieta National Wildlife Refuge as proposed in S. 2352 be adding more significant management problems to the refuge system than those posed by the powerline and pipeline within Kofa Refuge?

A. The inclusion of the Tinejas Altas region in the Cabeza Prieta Refuge would not pose significant management problems to the Fish and Wildlife Service. The uses necessary to the accomplishment of the goals and objectives of the U.S. Marine Corp's Yuma Air Station in the Tinejas Altas are similar to those occurring now on the existing Refuge. Through a tri-party Memorandum of Understanding, signed by the Departments of Navy, Air Force, and Interior, military and Refuge uses of the Cabeza Prieta have been closely coordinated to accommodate military needs, while protecting the valuable natural resources of the Refuge. In a similar manner, both military use and Refuge protection of the Tinejas Altas can be achieved. Protection of the land surface of Tinejas Altas is viewed by the Fish and Wildlife Service not as a management problem, but as a management opportunity. As a result of Refuge designation, there will almost certainly be more restrictions imposed on the use of the Tinejas Altas than are presently in force with its status as public lands, but those restrictions will not be arbitrary, nor do we believe they will be unworkable for either the Fish and Wildlife Service or the Marine Corps.

United States Department of Agriculture
Forest Service
Washington Office
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P.O. Box 96090
Washington, D.C. 20090-6090

Reply To: 1510

Date: AUG 25 1988

Honorable Dale Bumpers
Chairman, Subcommittee on Public Lands,
National Parks and Forests
Committee on Energy
and Natural Resources
United States Senate
Washington, D.C. 20510-6150

AUG 25 RECD

Dear Mr. Chairman:

As you requested, here is our reply to the questions you submitted to us following the August 4 hearing on S. 2352, the Santa Rita Public Lands Exchange Act. We have included answers to the questions submitted by Senator Bingaman.

Let us know if you need additional information.

Sincerely,

F. DALE ROBERTSON
Chief

Enclosure

You have testified that you support the basic purposes of S. 2352. If the bill is amended as you have suggested, would you then support it? Is this the position of the Forest Service or the Administration?

If S. 2352 is amended as we suggested in our testimony, the Forest Service would support enactment. The Administration has not yet established its position on the legislation.

S. 2352 transfers Catalina State Park from State to Federal ownership, but the State of Arizona would retain management. Do you anticipate any problems with this arrangement? Are there other parcels of National Forest land under such arrangement? If so, have you experienced any difficulties with the arrangement?

We anticipate no problems with the management arrangement envisioned in S. 2352, if it is enacted. In fact, we believe it could be an excellent example of how the Forest Service Recreation Strategy should be working.

An example of other National Forest lands being under such an arrangement is the Slide Rock Swimming Site on the Coconino National Forest near Sedona, Arizona. It is under a special-use permit to the Arizona State Parks Board, which controls the parking on the adjacent State-owned Pendley Tract. We have experienced no problems with this arrangement.

You have testified that your primary concern is not who owns or manages the Santa Rita Experimental Range but rather that the area continues to be available for long-term range ecology research. In your opinion, what is the best way to assure that the Range continues its valuable research?

We recommend that the State of Arizona notify the Congress in the event that the State or the University of Arizona would be unable to continue long-term range ecology research on the Santa Rita Experimental Range.

QUESTIONS FROM SENATOR BINGAMAN

You have emphasized the value of long-term records like those available at the Santa Rita Experimental Range. Would you elaborate on what you mean by long-term records and why they are so important?

In 1903, the Forest Service began collecting baseline information on natural systems at the Santa Rita Experimental Range. These studies are unique because they are the only ones in the United States with such an extensive data base. We have been following the long-term changes in the species of vegetation, their frequencies, and their distribution relative to changes in natural processes, such as climate changes. In addition, we have been following the changes in vegetative composition and soils that are directly or indirectly associated with human-use patterns, such as grazing. Thus, we have the long-term data base to evaluate such issues as the vegetative changes due to global climate changes, acid deposition, or other human-related factors. Such monitoring data are becoming increasingly valuable as environmental concerns and issues become more important to human health and welfare. Because of the value of being able to compare past conditions and changes over time, we do not foresee a time when the Santa Rita Experimental Range would lose its significance as a research facility.

Are comparable long-term baseline records available elsewhere in the Southwest?

No, they are not.

Do you have examples where long-term records have been effective in identifying or solving recent land management problems?

Yes. One of the best examples deals with the nationally recognized problem of acid rain. Before we were even aware that acid rain was a problem, the Forest Service was collecting water chemistry data for a variety of reasons at several experimental watersheds. These data have proven invaluable in the acid rain assessment effort. The oldest of these records dates back just 25 years, but it is the single most important documentation of the acid rain phenomenon that exists today in the United States. We anticipate that these records will also be critically important in addressing emerging scientific questions about biological diversity, the greenhouse effect, and global climate changes.

The Committee may want to explore options for not only adding the weight of the U.S. Congress to the legislation passed by the State of Arizona that would protect ecological and rangeland research activities at Santa Rita, but in addition, extend the protection indefinitely. If so, would the Forest Service be willing to work with the Committee?

We would be happy to cooperate with the Committee in any way we can.

○